

Lobbying Disclosure Information Manual

1998

**Fair
Political
Practices
Commission**

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Summary of *New* Lobbying Provisions Found in this Manual!

Definition of a “Lobbyist”

The lobbyist “contacts” test is no longer used to determine if an individual qualifies as a lobbyist. An individual qualifies as a lobbyist under a **time** test if he or she lobbies on behalf of his or her employer, or a **compensation** test if he or she is a contract lobbyist or lobbies on behalf of clients. In addition, only time spent in, or compensation for, **direct communication** is counted to determine if an individual qualifies as a lobbyist. (Once qualified, other types of lobbyist expenses are reportable.) (See page 2.)

New Time Period to “Renew” Lobbying Registration

Prior to January 1, 1998, lobbyists, lobbying firms and lobbyist employers renewed their registration within 20 days of the beginning of each legislative session. That will now occur between November 1 and December 31 of each even-numbered year. (See page 17.)

New Timeframe to Complete “Lobbyist Ethics Orientation Course”

New lobbyists must complete the lobbyist ethics orientation course within 12 months of registering as a lobbyist. A lobbyist renewing his or her certification must take the course by June 30 of the following year if the course has not been taken in the 12 months prior to renewal. (See Chapter 4.)

Definition of “Contribution” Amended

The term “contribution” now excludes certain payments made at the behest of a state candidate or officeholder that are unrelated to election activities. The amendment adds a new disclosure requirement for the candidate or officeholder to report such payments. (See page 98.)

Gift Limit Increase

Effective January 1, 1999, lobbyist employers/lobbying coalitions and \$5,000 filers may not make gifts aggregating more than \$300 per calendar year to legislative officials, elected state officers and most state agency officials. Lobbyists and lobbying firms remain subject to a \$10 gift limit per calendar month. (See Chapter 5.)

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1. Lobbying Reporting Requirements

INTRODUCTION

The Fair Political Practices Commission is the agency with primary responsibility for interpretation and administration of the Political Reform Act. The Act was adopted by voter initiative in 1974 and has been periodically amended by legislation and initiatives.

The Act requires that lobbying disclosure reports, as described in this manual, provide the public with the identity of persons who make payments for the purpose of influencing the actions of the California State Legislature, the actions of the Governor in approving or vetoing legislation, and quasi-legislative actions of California state agencies.

The following persons should use this manual as a guide for their filing obligations:

- Lobbyists
- Lobbying Firms
- Lobbyist Employers
- Lobbying Coalitions
- Persons Spending \$5,000 or More to Influence Legislative or Administrative Action

Local/Judicial/Federal Lobbying Requirements. Lobbying activities conducted at the city, county, judicial, or federal levels are not governed by the Act. To determine what, if any, lobbying disclosure requirements are in effect at the local, judicial, or federal level, contact the specific agency in question.

Audits. Lobbying firms and lobbyist employers that employ one or more lobbyists will be subject to audit on a random basis every two

years and will have a 25 percent chance of being audited. When a lobbying firm or lobbyist employer is selected for audit, **all** of the individual lobbyists employed by the firm or employer will also be audited. Audits are conducted by the Franchise Tax Board.

Enforcement. A knowing or willful violation of any provision of the Political Reform Act of 1974 is a misdemeanor. Persons convicted of a misdemeanor may be disqualified for four years from the date of conviction from serving as a lobbyist or running for elective office, in addition to other penalties which may be imposed. The Act also provides for numerous civil penalties and damages, and injunctive relief from the courts. To report violations of the Act, call the Commission's toll free number: 800/561-1861.

Technical Assistance. For information on how to complete lobbying disclosure forms and for general information regarding lobbying activities, contact the Technical Assistance Division of the FPPC at (916) 322-5660. In most cases, questions can be answered over the telephone. However, depending on the circumstances, written advice may be required or preferred. In addition, all of the lobbying disclosure forms may be converted to a computer-generated format.

FPPC Bulletin. The Commission publishes a bulletin which contains a summary of the Commission's hearings, enforcement actions, and advice letters. Announcements of workshops and other general information are also provided. The bulletin is available at no cost. To receive the bulletin, call the Commission at 916/322-5660.

Lobbying Reporting Requirements - Cont'd

Directory. The Secretary of State's office publishes a directory which is updated and published biennially reflecting information contained in lobbying registration documents. The directory is divided into four sections which list lobbyists, lobbying firms, and lobbyist employers alphabetically, and lobbyist employers by category. The 1997/98 Directory of Lobbyists, Lobbying Firms, and Lobbyist Employers may be purchased from the Secretary of State for \$12.

Internet Access. The following websites provide information on lobbying issues.

Fair Political Practices Commission:
www.fppc.ca.gov

Secretary of State:
www.ss.ca.gov

Governing Statutes:

- ♦ Political Reform Act of 1974 As Amended to January 1, 1998 (Government Code Sections 81000-91015)
- ♦ California Code of Regulations, Title 2, Division 6 (Section 18000 et seq.)

All reports and statements filed pursuant to the Political Reform Act are public records open for public inspection and reproduction (Gov. Code Section 81008).

Persons interested in purchasing FPPC Regulations may contact:

Barclay's Law Publishing
P.O. Box 3066
South San Francisco, CA 94083
(415) 244-6611

Regulations, opinions, and enforcement decisions are also published by Continuing Education of the Bar.

2. Who Must File

Lobbyists

The “Who Must File” Section identifies the persons that are required to disclose lobbying activity.

Definitions of the terms used in this manual are contained in the Glossary.

LOBBYISTS

A lobbyist is an individual who:

is compensated (other than reimbursement for reasonable travel expenses) *for directly communicating with a qualifying official* (other than administrative testimony) *when trying to influence legislative or administrative action* (such as bills and regulations).

Not everyone who is paid to lobby will qualify as a lobbyist. There are two tests to make this determination: a **time test** for “in-house lobbyists” and a **compensation test** for “contract lobbyists”.

Generally, a lobbyist is categorized as either an “in-house lobbyist” or a “contract lobbyist.”

In-House Lobbyists – These individuals lobby on behalf of their employer *only*; they are compensated for their time; and they spend at least one-third of that time in **direct communication** with qualifying officials.

Contract Lobbyists – These individuals lobby for someone other than their employer and receive or are entitled to receive \$2,000 in a calendar month for **direct communication** with qualifying officials.


The following terms describe what is commonly referred to as “lobbying” and are important in determining whether an individual has met one of the two tests described above. Following the definitions is a series of examples that provide practical application of the tests.

Direct Communication

An individual engages in “direct communication” when he or she appears as a witness before, talks to (either by telephone or in person), corresponds with, or answers questions or inquiries from, any qualifying official, either personally or through an agent who acts under the individual’s direct supervision, control, or direction.

“Direct communication” does not include any request for or provision of purely technical data or analyses to an administrative agency by a person who does not otherwise engage in direct communication for the purpose of influencing legislative or administrative action.

Additionally, an individual does not engage in “direct communication” when he or she meets or speaks with a qualifying official in the company of a registered lobbyist retained by the individual, the individual’s employer, or by a bona fide trade association or membership organization of which the individual or individual’s employer is a member.

 Although only direct communication is counted for purposes of qualifying as a lobbyist, once an individual qualifies, other types of lobbying expenses are reportable as discussed in Chapter 6.

Administrative Testimony

An individual does not count compensation for or time spent preparing and presenting administrative testimony in applying the time or compensation tests.


“Administrative testimony” means influencing or attempting to influence administrative action by acting as counsel in, appearing as a witness in, or providing written

submissions, including answers to inquiries, which become part of the record of:

- Any regulatory or administrative agency proceeding which is conducted as an open public hearing for which public notice is given; of which a record is created in a manner which makes possible the creation of a transcript; and with respect to which full public access is provided to such record or transcript and to all written material which is submitted to become part of the record.
- Certain proceedings of the California Public Utilities Commission. See page 97 of the Glossary.

Influencing Legislative or Administrative Action

“Influencing legislative or administrative action” means communicating directly or taking any other action for the principal purpose of supporting, promoting, influencing, modifying, opposing, delaying, or advancing any legislative or administrative action.

 If you are trying to obtain a permit, license, grant, or contract at a state agency, you are not trying to influence legislative or administrative action; your time and contacts are not counted as lobbying.

Examples:

Ms. Perrywinkle is a partner with the CJW Law Firm. Perrywinkle lobbies bills on behalf of several clients. She frequently engages in direct communication with various legislators and their staff. During January, she receives a draw of \$4,200, \$2,000 of which is attributable to direct communication. Ms. Perrywinkle qualifies as a lobbyist under the “compensation test” and must prepare a lobbyist certification and file quarterly reports. In addition, CJW must register and file quarterly reports as a lobbying firm. Any client which authorizes the CJW Law Firm to lobby must also file authorization forms and quarterly reports as lobbyist employers, regardless of the amount they pay.

During the month of February, Joey Nelson, an independent contractor, receives \$1,500 from the Spanky Corporation and \$700 from the Association of Statistical Engineers to lobby on their behalf. Nelson qualifies as a lobbyist. (The compensation test does not require receipt of \$2,000 from a single client.) Spanky and ASE must also file authorization forms and quarterly reports as lobbyist employers.

Mr. Brittle town is the Legislative Affairs Coordinator of the EAB Corporation. During May, Mr. Brittle town spends one-third of his compensated time testifying at legislative hearings, and speaking on the telephone with legislative and agency officials concerning several legislative bills and state agency regulations. Mr. Brittle town qualifies as a lobbyist and must prepare a lobbyist certification and file quarterly reports. In addition, EAB Corporation must register and file quarterly reports as a lobbyist employer.

Priscilla Kamen is the general counsel for the Dorsey Corporation. During the month of February, she spends one-third of her compensated time providing administrative testimony at 10 state agency public hearings, she also spends one-fourth of her time meeting with legislators. Since Kamen's administrative testimony does not count toward the compensated “time” test, Kamen does not qualify as a lobbyist.

Roberta Rogers is an in-house lobbyist for the Association of International Tin Roofers. During the third quarter of 1999, the Dome Corporation pays Rogers to lobby a bill on its behalf. Rogers, though still an employee of the Association of International Tin Roofers, must register as an individual contract lobbyist (lobbying firm) and disclose on her quarterly reports the payments received from the Dome Corporation and her compensation for lobbying services provided on behalf of her employer, the Association of International Tin Roofers. The Association must file an Amendment, Form 605, deleting her as an in-house lobbyist and complete an Authorization Form, Form 602.

Who is Not a Lobbyist?

- ♦ An individual who lobbies on a voluntary (unpaid) basis.
- ♦ An individual who only receives reimbursement for reasonable travel expenses.
- ♦ A state agency employee or a consultant designated in a state agency's conflict of interest code who acts within the scope of his/her duties or contract. However, such individuals are subject to the \$10 a month gift limit.
- ♦ An individual representing a bona fide church or religious society solely for the purpose of protecting the public's right to practice the doctrines of such church.
- ♦ An individual representing a newspaper or other periodical of general circulation, book publisher, radio or television station which, in the ordinary course of business, publishes items urging legislative or administrative action. This exception does not apply when the newspaper, book publisher, or station engages in any additional activities in connection with influencing legislative or administrative action.
- ♦ An individual who only lobbies federal, county, multi-county (e.g., BART), or city government agencies.

Important Prohibition

Lobbyists are prohibited from making gifts of more than \$10 in a calendar month to legislative officials and certain state agency officials, and from acting as an intermediary in the making of any such gift, and from arranging for the making of any such gift by any other person.

- ♦ An individual who only engages in activities to secure a grant, contract, or permit from a state administrative agency and does not otherwise attempt to influence legislative or administrative action. (See Gov. Code Section 82002 and Regulation 18202.)

Example: *MBI Corporation hired Norma Nickels for the sole purpose of securing a contract with the Department of General Services to provide computer services. Ms. Nickels is not subject to either the compensation or time tests as such activity is not considered "influencing legislative or administrative action."*

- ♦ An individual who engages only in administrative testimony.

Example: *Attorney Sally Hooperfield receives \$2,500 for appearing before the State Clean Air Advisory Board and providing expert testimony which becomes a part of the agency's record. The meeting is transcribed and is conducted as an open public hearing for which public notice is given. Ms. Hooperfield is not a lobbyist because her activities are limited to administrative testimony.*

- ♦ An elected public official acting in an official capacity.

Example: *Betty Rock, Mayor of the City of Alger, communicates with legislators requesting their support of a bill affecting the city. Mayor Rock is not a lobbyist because she is acting within her official capacity as Mayor.*

Questions and Answers

- Q. Is compensation for travel time and preparation work for the purpose of influencing legislative or administrative action counted for purposes of determining whether an individual qualifies as a lobbyist?
- A. Only the compensation (e.g., salary) an individual receives while engaging in **direct communication** is counted to determine if an individual “qualifies” as a lobbyist. Payments for travel and preparation time, and for actual travel expenses (e.g., airline tickets), do not count.
- Q. Once qualified, are travel expenses incurred for the purpose of influencing legislative or administrative action reportable?
- A. Yes, these and other expenses are reportable once an individual has qualified as a lobbyist. (See Chapter 6.)

LOBBYING FIRMS (INCLUDING INDIVIDUAL CONTRACT LOBBYISTS)

A lobbying firm is:

an individual (other than an in-house lobbyist) *or a business entity that is compensated* (other than reimbursement for reasonable travel expenses) *for directly communicating with a qualifying official* (other than administrative testimony) *when trying to influence legislative or administrative action* (such as bills and regulations).

Individuals may qualify as a lobbying firm in two ways:

- They are lobbyists compensated for lobbying on behalf of someone other than their employer (such as independent contractors); **or**
- They are lobbyists compensated for lobbying on behalf of their employer **AND** someone else.

Business entities will qualify as a lobbying firm when:

- They receive or are entitled to receive compensation for lobbying **AND** at least one employee, partner, owner, or officer is a lobbyist; **or**
- They receive at least \$5,000 in a calendar quarter for lobbying **AND** any one employee, partner, owner, or officer directly communicates on behalf of a client (even if no one in the firm is a lobbyist).

The following terms describe what is commonly referred to as lobbying and are important in determining whether an individual or business entity qualifies as a lobbying firm. Following the definitions is a series of examples that provide practical application of the tests.

Direct Communication

An individual engages in “direct communication,” when he or she appears as a witness before, talks to (either by telephone or in person), corresponds with, or answers questions or inquiries from, any qualifying official, either personally or through an agent who acts under the individual’s direct supervision, control or direction.

“Direct communication” does not include any request for or provision of purely technical data or analysis to an administrative agency by a person who does not otherwise engage in direct communication for the purpose of influencing legislative or administrative action.

Additionally, an individual does not engage in “direct communication” when he or she meets or speaks with a qualifying official in the company of a registered lobbyist retained by the individual, the individual’s employer, or by a bona fide trade association or membership organization of which the individual or individual’s employer is a member.

Administrative Testimony

An individual or entity does not count compensation for or time spent preparing and presenting administrative testimony for qualification purposes.

“Administrative testimony” means influencing or attempting to influence administrative action by acting as counsel in, appearing as a witness in, or providing written submissions, including answers to inquiries, which become part of the record of:

- Any regulatory or administrative agency proceeding which is conducted as an open public hearing for which public notice is given; of which a record is created in a manner which makes possible the creation of a transcript; and with respect to which full


Lobbying Firms - Cont'd

public access is provided to such record or transcript and to all written material which is submitted to become part of the record.

- Certain proceedings of the California Public Utilities Commission. See page 97 of the Glossary.

Influencing Legislative or Administrative Action

“Influencing legislative or administrative action” means communicating directly or taking any other action for the principal purpose of supporting, promoting, influencing, modifying, opposing, delaying, or advancing any legislative or administrative action.

 If you are trying to obtain a permit, license, grant, or contract at a state agency, you are not trying to influence legislative or administrative action; your time and contracts are not counted as lobbying.

Examples:

The law firm of Barry & Johnson receives \$6,000 in one calendar quarter to prepare testimony for a public hearing of the California Integrated Waste Management Board. Except for the administrative testimony, the Firm's staff does not communicate with officials. The receipt of the \$6,000 does not qualify Barry & Johnson as a lobbying firm.

Hilda Hampton (a sole proprietor) receives \$2,000 in one month to lobby on behalf of two clients, the Safe Environment Association and the CMG Company. Ms. Hampton meets the compensation test and qualifies as an “individual contract lobbyist” and must register as a lobbying firm. Clients must file authorization statements and quarterly reports.

Adam Hughes is a lobbyist-employee of California Consultants, a lobbying firm. He also

contracts with entities that make payments directly to him for lobbying. Because Hughes receives payments from persons other than his employer, he must register as a lobbying firm. Clients must file authorization statements and quarterly reports. Clients of California Consultants may be identified as subcontracted clients of Adam Hughes.

Northern California Advocates is a business entity that is compensated for lobbying on behalf of several clients. Two of its employees are lobbyists. Northern California Advocates is a lobbying firm. Clients must file authorization statements and quarterly reports.

The law firm of Stone & Wall periodically provides legislative testimony for several of its clients. None of the attorneys employed by Stone

& Wall qualify as a lobbyist under the compensation test. During the second quarter, the firm receives \$4,000 from the Hedge Corporation and \$1,000 from the Core Corp. for preparing and presenting legislative testimony. Stone & Wall is a lobbying firm, and the Hedge Corporation is a lobbyist employer.

Notes:

- ♦ A lobbyist may not be certified to lobby on behalf of more than one lobbying firm. (See page 54 for information concerning subcontracting reporting requirements.)
- ♦ Once an individual or business entity qualifies as a lobbying firm, **any** payments received by the lobbying firm from a client to engage in any amount of direct communication (including administrative testimony) for the purpose of influencing legislative or administrative action will require the client to file lobbyist employer disclosure reports.

Important Note

Lobbyists and lobbying firms are prohibited from making gifts of more than \$10 in a calendar month to legislative officials and certain state agency officials, from acting as an intermediary in the making of any such gift, and from arranging for the making of any such gift by any other person.

***Example:** The Law Firm of Wood, Woods & Morewood, a lobbying firm, receives \$1,000 from Jackson, Inc. to testify on Jackson's behalf before the California Air Resources Board. Because Jackson, Inc. makes payments to a lobbying firm for direct communication, it is required to file lobbyist employer reports.*

LOBBYIST EMPLOYERS

A lobbyist employer is any individual, business entity, association, local government agency, or other organization, other than a lobbying firm, which:

- directly employs an in-house lobbyist to influence or attempt to influence legislative or administrative action;

OR

- retains a lobbying firm to engage in direct communication for the purpose of influencing or attempting to influence legislative or administrative action.

Examples:

Wayne Butterfield's principal duties are influencing legislative or administrative action, including direct communication, on behalf of his employer, the Association of Preservationists. Because Mr. Butterfield spends one-third or more time lobbying in a calendar month, he qualifies as a lobbyist. The Association must register as a lobbyist employer and must attach Butterfield's certification statement to its registration. It also must attach Butterfield's quarterly lobbyist reports to its quarterly lobbyist employer reports when filing with the Secretary of State.

The lobbying firm of High & Lowe is retained by the Camptown Corporation to prepare and present administrative testimony on Camptown's behalf. Camptown does not employ an in-house lobbyist. However, by retaining a lobbying firm, Camptown qualifies as a lobbyist employer. Prior to engaging in any lobbying activity High & Lowe must add Camptown to its registration. Camptown does not file a registration statement, but is required to complete an authorization statement, Form 602, and file quarterly lobbyist employer reports.

Lansdown International contracts with Pickett and Winnit, a public relations firm. On

Lansdown's behalf, Pickett & Winnit hires the lobbying firm of Capital Crusaders to lobby a tax-related bill. Pickett & Winnit makes payments to Capital Crusaders for its lobbying services and is later reimbursed by Lansdown. Lansdown International is a lobbyist employer and must provide Capital Crusaders with an authorization statement, Form 602, and must file quarterly lobbyist employer reports. Lansdown and Capital Crusaders must disclose that payments were made and received through Pickett & Winnit on the quarterly disclosure statements. Pickett and Winnit is not required to register or report the payments because Pickett and Winnit does not lobby.

Who is Not a Lobbyist Employer?

- ♦ An entity that only makes payments to a lobbying coalition is not required to file lobbyist employer reports. However, such an entity is required to file reports as a "\$5,000 Filer" if payments totaling \$5,000 or more are made to a lobbying coalition during a calendar quarter. Refer to page 14 for guidance.
- ♦ A person who hires an entity (which is not a lobbying firm) for the sole purpose of providing administrative testimony.

Example: *The Recycle Now Corporation makes a payment to a law firm, that is not a lobbying firm, to prepare and present testimony for a public hearing of the California Integrated Waste Management Board. Except for the testimony that becomes part of the public record at the hearing, the firm does not communicate with officials. Because the payment to the law firm is only for administrative testimony, Recycle Now does not qualify as a lobbyist employer.*

- ♦ An entity that hires a lobbying firm for the sole purpose of monitoring and/or drafting legislation.

Questions and Answers

- Q.** Will a member of a bona fide association become a lobbyist employer by making regular dues payments to the association, some portion of which is used for lobbying activity?
- A.** No. A member of an association will not qualify as a lobbyist employer by making regular dues or similar payments for membership in a bona fide association, even if a portion of the dues or similar payments is used by the association to employ a lobbyist or make other payments to influence legislative or administrative action.

However, if a member of an association makes a payment specifically for lobbying purposes, the member may qualify as a lobbyist employer or \$5,000 filer.

LOBBYING COALITIONS

A lobbying coalition is a group of **ten** or more persons or entities formed primarily to influence legislative or administrative action whose members make payments to the coalition for the purpose of sharing the expenses of employing a lobbyist or contracting for the services of a lobbying firm.

Example: Fifteen manufacturers pool their funds and contract with the Best Lobbying Firm to lobby a piece of legislation. The group qualifies as a lobbying coalition and must complete an authorization statement, Form 602, and file quarterly lobbying reports disclosing payments to the lobbying firm as well as payments received from the coalition members.

Who is Not a Lobbying Coalition?

- ♦ A bona fide federation, confederation or trade, labor or membership organization which is ongoing in nature and whose membership services are not limited to influencing legislative or administrative action. Such an organization will qualify as a lobbyist employer if it employs an in-house lobbyist or makes payments to a lobbying firm.
- ♦ A group consisting of less than ten persons or entities formed primarily to influence legislative or administrative action whose members make payments for the purpose of sharing the expenses of employing a lobbyist or contracting for the services of a lobbying firm. However, each of the persons or entities will qualify as a lobbyist employer.

Example: Eight companies pool their funds to hire a lobbying firm for the purpose of influencing a legislative bill. The companies plan to have more entities pay toward the lobbying firm's expenses. Until there are ten companies making payments to the lobbying firm, the entities do not qualify as a lobbying coalition. Each of the eight companies must file an authorization statement, Form 602, and file quarterly lobbyist employer reports, Form 635.

Notes:

- ♦ Because of their common reporting obligations, examples of lobbying coalition disclosure requirements are incorporated with the lobbyist employer sections of this manual.
- ♦ Lobbying coalitions must file an attachment, Form 635-C, with each quarterly filing. In addition, coalition members must file an attachment, Form 630, with each quarterly filing if the coalition member files reports as a lobbying firm, lobbyist employer, or \$5,000 filer.

**PERSONS WHO SPEND \$5,000 OR MORE TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION
“\$5,000 Filer”**

Persons (including business entities, associations, and other organizations) who do not employ an in-house lobbyist or contract with a lobbying firm, but who directly or indirectly make payments of \$5,000 or more in any calendar quarter to influence or attempt to influence legislative or administrative action, have disclosure obligations (Gov. Code Section 86115(b)). The following types of payments must be aggregated to determine if the \$5,000 threshold has been met:

- ◆ Payments for or in connection with direct communication with state officials;
- ◆ Payments for or in connection with soliciting or urging other persons to enter into direct communication with state officials;
- ◆ Payments to a lobbying coalition; and
- ◆ Payments that directly or indirectly benefit state officials or members of their immediate families (“activity expenses”), but only if other payments to influence are made during the same calendar quarter.

For purposes of determining whether an entity qualifies as a \$5,000 filer, compensation paid to an employee (other than a lobbyist or an employee that provides clerical, secretarial, manual, or statistical services) must be counted if 10 percent or more of his/her compensated time in a calendar month is spent in connection with the activities described above.

However, all payments for travel and expenses incurred in connection with these activities must be counted whether or not the employee spends 10 percent of his or her time on lobbying activities.

\$5,000 filers are required to:

- ◆ File a Report of Person Spending \$5,000 or More to Influence Legislative or Administrative Action, Form 645, for each calendar quarter in which \$5,000 has been spent to influence legislative or administrative action.

 \$5,000 filers are not required to register.

Examples:

In February, the Valencia Corporation sends an employee to Sacramento to provide administrative testimony before a state agency. The amount of the employee’s salary and the travel expenses attributable to the trip exceed \$5,000. The corporation qualifies as a \$5,000 filer and must file a report for the first quarter, January 1 - March 31.

In April, the Association of Valley Growers pays for newspaper advertisements urging readers to communicate with the Governor on a piece of legislation. The cost of the advertisements exceeds \$5,000 during the second calendar quarter. The association qualifies as a \$5,000 filer and must file a report for the second quarter, April 1 - June 30.

Who is Not a \$5,000 Filer?

- ◆ A person or entity that employs an in-house lobbyist or contracts with a lobbying firm.
- ◆ A person or entity that does not spend \$5,000 or more in a calendar quarter to influence legislative or administrative action.

3. Where & When Statements Must Be Filed

This section provides the filing deadlines for registration and termination statements and quarterly reports filed by:

- Lobbyists
- Lobbying Firms
- Lobbyist Employers
- Lobbying Coalitions
- \$5,000 Filers

All reports and statements discussed in this manual are filed with the Secretary of State. Statements should be addressed as follows:

Secretary of State
Political Reform Division
P.O. Box 1467
1500 11th Street
Sacramento, CA 95814-1467

If a report or statement is sent by first-class mail to the Secretary of State, it is considered received on the date of the postmark. Reports sent by mail which are not received by the Secretary of State are presumed not to have been sent unless the filer has a post office receipt with the date of deposit and the name and address of the Secretary of State.

Reports may not be submitted by facsimile transmission.

REGISTRATION STATEMENTS

FORMS 601, 602, 603, 604, 605, 606, AND 607

Initial Registration. The first registration statement filed by a lobbying firm, lobbyist employer or lobbyist.

- **Lobbyists** must complete a Lobbyist Certification Statement (Form 604), which is attached to the lobbyist employer's registration statement or the lobbying firm's

registration statement. Form 604 must be filed within 10 days of qualifying as a lobbyist.

- **Lobbying firms** must register with the Secretary of State no later than 10 days after qualifying as a lobbying firm (Form 601).
- **Lobbyist employers/lobbying coalitions** must register with the Secretary of State no later than 10 days after a partner, owner, officer, or employee qualifies as an in-house lobbyist (Form 603).

Lobbyist employers and lobbying coalitions that only contract with a lobbying firm are not required to register, but must complete a Form 602 authorizing the firm to lobby. The Form 602 is attached to the lobbying firm's registration statement.

- **\$5,000 filers** are not required to file registration statements.

Amending Registration. If any information changes on a lobbying firms or lobbyist employer's registration statement, Form 605 must be filed as follows:

Lobbying firm adding a new client	Prior to attempting to influence legislative or administrative action on behalf of the client.
Firm or employer adding a new lobbyist	Within 20 days of effective date.
Firm or employer deleting a client, lobbyist, lobbying firm	Within 20 days of effective date.
Other changes	Within 20 days of any other change.

Where & When Statements Must Be Filed - Cont'd

Renewal of Registration. Lobbying firms, registered lobbyist employers, and registered lobbying coalitions must renew their registration between November 1 and December 31 of each even numbered year.

Termination of Registration. If, during the legislative session, a lobbyist, lobbying firm, registered lobbyist employer, or registered lobbying coalition is **ceasing all lobbying** activities, a Notice of Termination, Form 606, must be filed within **20 days** after ceasing lobbying activities.

A filer ceasing all lobbying activities at the close of a regular (biennial) session of the Legislature is not required to file a termination statement.

A person that files either a lobbyist certification statement or a lobbying firm registration statement but in fact never meets the Act's definition of "lobbyist" or "lobbying firm" may use the Notice of Withdrawal statement, Form 607, to discontinue filing requirements.

Important Note:

Lobbyists and lobbying firms remain subject to the \$10 gift prohibition for six months after filing a Notice of Termination. Lobbyists and lobbying firms which cease all lobbying activities at the end of the regular session of the Legislature remain subject to the gift prohibition for six months after the end of the regular session. Individuals and entities eligible to file a Notice of Withdrawal do not remain subject to the prohibition.

QUARTERLY DISCLOSURE REPORTS, FORMS 615, 625, 635, AND 645

All lobbyists, lobbying firms, lobbyist employers, and lobbying coalitions must file a report for each calendar quarter, regardless of the level of activity, and whether or not any payments have been made or received during the calendar quarter.

\$5,000 filers must file a report for each calendar quarter in which they make payments

totaling \$5,000. They are not required to file a report for any calendar quarter in which they do not spend \$5,000, or if all of the payments are "activity expenses."


An original and one copy of each quarterly report must be filed with the Secretary of State.

The period covered for all quarterly reports is the first day of the calendar quarter through the last day of the calendar quarter.

Reporting Period	Filing Deadline
January, February, and March	April 30
April, May, and June	July 31
July, August, and September	October 31
October, November, and December	January 31
Deadlines that fall on a Saturday, Sunday, or an official state holiday are extended to the next business day.	

Lobbying statements must be filed in a timely manner. Failure to file appropriate statements in compliance with the Act can result in substantial criminal, civil, and administrative penalties.

In addition, persons who file after a deadline are liable for a fine of \$10 per day, calculated from the day after the deadline, until the report is received.

 An unsigned report is not considered received by the Secretary of State and is subject to the \$10 per day fine.

If the individual required to sign a report is not available on or before the deadline, an agent may sign the report and attach an explanatory note. An amendment with the proper signature must be filed as soon as possible.

4. Certification and Registration

Form 604

LOBBYIST CERTIFICATION STATEMENT, FORM 604

An individual who qualifies as a lobbyist must prepare a Lobbyist Certification Statement, Form 604, and submit it to his or her lobbying firm or lobbyist employer/lobbying coalition, whichever is applicable. The lobbying firm or lobbyist employer/lobbying coalition must attach the Form 604 to its registration form, Form 601 or Form 603, or Amendment to Registration, Form 605, for filing with the Secretary of State.

Filing Deadlines:

New Lobbyist

- ♦ Within 10 days of qualifying as a lobbyist.

Lobbyist Renewing Certification:

- ♦ Between November 1 and December 31 of each even-numbered year.

 An individual contract lobbyist is also required to complete a Form 604 and attach it to the Form 601.

The certification and renewal of certification requirements include:

- ♦ Completion of Form 604;
- ♦ Submission of a recent photograph of only the lobbyist's head and shoulders;
- ♦ A \$25 registration fee payable to the Secretary of State. Payment is required at time of filing; and
- ♦ Attending the lobbyist ethics course. The course is conducted by the Assembly Legislative Ethics Committee and the Senate Committee on Legislative Ethics. Persons having questions concerning the ethics course should contact one of these committees.

The Legislature will notify lobbyists of course dates, and will provide a certificate of completion of the course.

A lobbyist must file a conditional certification if he/she has not taken the course within the previous 12 months. The validity period of the conditional certification is determined by whether the lobbyist is renewing the certification or filing his/her first certification.

New lobbyists must take the course within 12 months after registering as a lobbyist.

Lobbyists who were registered in the prior legislative session, but have not taken the course in the 12 months prior to renewing their certification, must take the course by June 30 of the following year.

Examples:

John Smith was a registered lobbyist during the 1997-98 Legislative Session and took the course on December 10, 1996. Mr. Smith may begin lobbying activities in the 1999-2000 Legislative Session. However, his certification is conditional and he must take the course by June 30, 1999.

Susan White is a new lobbyist. She did not lobby in the 1997-98 Legislative Session. Ms. White may begin lobbying activities in the 1999-2000 Legislative Session. However, her certification is conditional for 12 months.

Margaret Johnson was a registered lobbyist in the 1997-98 Legislative Session and took the course on March 5, 1998. When Ms. Johnson renews her certification for the 1999-2000 Legislative Session, her certification is valid throughout the two-year session.

Failure to take the course at the times prescribed will void the conditional certification. Once voided, an individual is prohibited from acting as a lobbyist until he or she has completed the ethics training course and has filed an amended certification statement indicating the date the course was taken.

Instructions For Completing Form 604. The Form 604 is an identification form which contains the lobbyist's name, address, telephone number, and name of his/her lobbying firm or lobbyist employer/lobbying coalition. The date an individual qualified as a lobbyist is not required on subsequent renewals. The date the individual qualified as a lobbyist must be provided only on the initial statement.

Lobbyist Certification Statement <small>(Government Code Section 86103)</small>				Legislative Session 1999/2000 <small>(Insert Years)</small>	CALIFORNIA FORM 604 <small>FAIR POLITICAL PRACTICES COMM.</small> For Official Use Only
Type or Print in Ink <input type="checkbox"/> Check Box if an Amendment					
NAME OF LOBBYIST: (Last) (First) (M.I.) Browski Emily A				If this is an Initial Certification, enter the DATE QUALIFIED as a Lobbyist: 5/1/99	
BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code) 900 State Street Sacramento CA 95814				TELEPHONE NUMBER: (916) 555-9800	
MAILING ADDRESS: (If different than above) P.O. Box 1500 Sacramento CA 95804				FAX NUMBER: (Optional) (916) 555-9802	
NAME OF LOBBYIST EMPLOYER OR LOBBYING FIRM: Beyer and Bennett				E-MAIL: (Optional)	

Verification: The report must be verified and signed by the lobbyist. No other individual may sign Form 604 on behalf of the lobbyist.

Questions and Answers

A. Because there is no set schedule, the number of ethics courses conducted will vary from year to year. Contact one of the Legislature's ethics committees for information.

A. Yes.

LOBBYING FIRM REGISTRATION STATEMENT, FORM 601

An individual or business entity that qualifies as a lobbying firm must register with the Secretary of State within 10 days of qualifying as a lobbying firm.


Each lobbying firm must renew its registration between November 1 and December 31 of each even-numbered year. If the registration is not renewed, the lobbying firm will be automatically terminated.

Registration and renewal of registration requirements include:

- ◆ Completion of Form 601;
- ◆ Submission of Form 602 completed by each lobbyist employer that contracts with the lobbying firm for lobbying services;
- ◆ Submission of Form 604 completed by each partner, owner, officer, or employee of the lobbying firm who qualifies as a lobbyist and a recent photograph of only the lobbyist's head and shoulders; and
- ◆ A \$25 registration fee payable to the Secretary of State for each of the firm's lobbyists. Payment is required at time of filing.

If any change occurs in the information contained on the Form 601 (e.g., adding or deleting a client/employer), an Amendment to Registration Statement, Form 605, must be filed:

- Before attempting to influence legislative or administrative action on behalf of a new client; or
- Within 20 days of any other change (e.g., change in responsible officer).

 A lobbying firm is not required to register a client that does not pay the firm (e.g., pro-bono services).

Instructions For Completing Form 601. The Lobbying Firm Registration Statement provides identifying information about the lobbying firm and its clients.

Enter the date qualified as a lobbying firm only on an initial registration. The qualification date is not necessary on subsequent renewals.

Lobbying Firm Registration Statement <small>(Government Code Section 86104)</small>				Legislative Session 1999/2000 <small>(Insert Years)</small>	CALIFORNIA FORM 601 <small>FAIR POLITICAL PRACTICES COMM.</small> For Official Use Only
Type or Print in Ink SEE INSTRUCTIONS ON REVERSE NAME OF LOBBYING FIRM: Beyer and Bennett				Page <u>1</u> of <u>3</u>	
BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code) 900 State Street Sacramento CA 95814				If this is an initial registration, enter the DATE QUALIFIED as a Lobbying Firm: 5/1/99	
MAILING ADDRESS: (If different than above.) P.O. Box 1500 Sacramento CA 95804				TELEPHONE NUMBER: (916) 555-9800 FAX NUMBER: (Optional) (916) 555-9804 E-MAIL: (Optional)	

I Individual Lobbyists

- List the full name of each partner, owner, officer, or employee of your lobbying firm who is a lobbyist. Attach a Form 604 for each lobbyist.
- Do not list any individual who is separately registered as a lobbying firm or who is employed by a lobbying firm with which you subcontract.
- If your firm does not have a partner, owner, officer, or employee who qualifies as a lobbyist, state "not applicable."

Emily Browksi	
Robert Beyer	
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.	

II Lobbyist Employers

- Use Section A to report each client with whom your firm has a direct contract to provide lobbying services.
- Use Section B to report lobbying firms with which your firm subcontracts to provide lobbying services and the clients on whose behalf your firm will lobby.
- Attach a Form 602 for each person identified in Section A or B.

SECTION A

Employer's Name, Address and Telephone Number Assn. of Computer Chip Manufacturers 307 Sampson Drive Santa Clara, CA 93015 (510) 524-0009	Effective Date 5/1/99	Period of Contract 1999/2000
Agencies to be Lobbied Legislature, Governor	Description of Employer's Lobbying Interests Tax legislation	
Employer's Name, Address and Telephone Number Child Care Providers of CA 7925 Candy Lane Circle Santa Clara, CA 90573 (415) 927-0501	Effective Date 5/1/99	Period of Contract 1999
Agencies to be Lobbied Department of Social Services	Description of Employer's Lobbying Interests Child care regulations	

Part I - Individual Lobbyists:

List the full name of each partner, owner, officer, or employee of the firm who qualifies as a "lobbyist." Do not list any individual who is separately registered as a lobbying firm or who is employed by a lobbying firm with which this firm contracts.

Part II - Lobbyist Employers -

Section A: For each client/employer for whom the firm has been authorized to provide lobbying services, list:

- The client/employer's name, address, and telephone number;
- The effective date of the contract, if applicable;
- The agencies to be lobbied, including the Legislature, Governor's office, and any state agencies; and
- A specific description of the employer's lobbying interests.

SECTION B -- Subcontracted Clients

Name, Address and Telephone Number of Subcontracting Lobbying Firm:

Government Communication
2005 Bill Road
Sacramento, CA 95814 (916) 555-0108

Effective Date of Contract

5/1/99

Period of Contract

1999

Name, Address and Telephone Number of Client on Whose Behalf Your Firm will Lobby:

Alliance for Public Schools
17035 Tenth Street, #1108
Sacramento, CA 95814 (916) 555-9178

Agencies to be Lobbied

Legislature, Dept. of Education, State Lottery Commission,
Supt. of Public Instruction

Description of Client's Lobbying Interests

Funding for public schools

☐ If more space is needed, check box and attach continuation sheets.**Section B - Registration of**

Subcontract Clients: A lobbying firm which contracts to lobby for a client of another lobbying firm must identify both the subcontracting lobbying firm and the client(s)/employer(s) on whose behalf the firm will lobby.

III Statement of Responsible Officer

I am a partner, owner, or officer of the lobbying firm of Beyer and Bennett.

I am the person responsible for filing statements and reports and keeping records required by Chapter 6 of the Political Reform Act (Government Code Sections 81000-91015). I have read and understand the prohibitions contained in Sections 86203 and 86205.

86203. It shall be unlawful for a lobbyist or a lobbying firm to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

"Gift" as used in Section 86203 means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the Registration Statement of the lobbying firm or the lobbyist employer of the lobbyist.

86205. No lobbyist or lobbying firm shall:

- (a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer.
- (b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action.
- (c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.
- (d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person.
- (e) Represent falsely, either directly or indirectly, that the lobbyist or the lobbying firm can control the official action of any elected state officer, legislative official, or agency official.
- (f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

VERIFICATION

I have used all reasonable diligence in preparing this Statement. I have reviewed this Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed On 5/5/99 By (Signature Required)
DATE SIGNATURE OF RESPONSIBLE OFFICER

Name of Responsible Officer Robert Beyer Title Partner
TYPE OR PRINT


Part III - Statement of Responsible Officer and Verification: A partner, owner, or officer of the lobbying firm must be designated to be responsible for filing statements and reports and keeping records. An individual contract lobbyist who is filing the Form 601 as a lobbying firm is the responsible officer of the firm. The designated responsible officer must read Part III and sign the verification.

Questions and Answers

- Q.** Will an entity qualify as a lobbying firm if, in a calendar quarter, the entity receives \$4,500 from a client for testifying before a hearing of the State Legislature and \$600 for travel expenses?
- A.** No. Payments for reasonable travel expenses do not count toward qualification as a lobbying firm.
- Q.** If the responsible officer of the lobbying firm changes, must the lobbying firm amend its registration to indicate the new responsible officer?
- A.** Yes. The registration must be amended within 20 days of the change.


LOBBYING FIRM ACTIVITY AUTHORIZATION, FORM 602

A lobbyist employer/lobbying coalition which contracts with a lobbying firm is required to authorize the lobbying firm to lobby on its behalf. A Form 602 must be completed and attached to the lobbying firm's registration statement or amendment to registration, whichever is applicable. Do not mail the Form 602 directly to the Secretary of State.

 A lobbying firm which subcontracts clients to another lobbying firm must complete Form 602 and identify the names of the subcontracted client(s). It is not necessary to complete the Nature and Interests section for the subcontracted client(s).

Lobbying Firm Activity Authorization <small>(Government Code Section 86104)</small>				Legislative Session 1999/2000 <small>(Insert Years)</small>		CALIFORNIA FORM 602 <small>FAIR POLITICAL PRACTICES COMM.</small> <small>For Official Use Only</small>	
Check <u>one</u> box, if applicable <input checked="" type="checkbox"/> Lobbyist Employer <small>(Gov. Code Section 82039.5)</small> <input type="checkbox"/> Lobbying Coalition <small>(FPPC Regulation 18616.4)</small> Type or Print in Ink				Page <u>1</u> of <u>2</u>			
NAME OF FILER: Child Care Providers of California				EFFECTIVE DATE: 5/1/99			
BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code) 7925 Candy Lane Circle Santa Clara CA 90573				TELEPHONE NUMBER: (916) 972-0501			
MAILING ADDRESS: (If different than above.) P.O. Box 925 Santa Clara CA 90572				FAX NUMBER: (Optional) (916) 972-0511			
E-MAIL: (Optional)							
<p>I hereby authorize <u>Beyer and Bennett</u> <small>(Name of Lobbying Firm)</small></p> <p><u>900 State Street, Sacramento, CA 95814</u> <small>(Business Address)</small></p> <p>to engage in the activities of a lobbying firm (as defined in California Government Code Section 82038.5 and 2 Cal. Code of Regs. Section 18238.5) on behalf of the above named employer.</p>							
If you are authorizing another lobbying firm to lobby on behalf of your firm's client(s), provide the name(s) of the client(s) below. (It is not necessary to complete the Nature and Interests section.)							
NAME OF SUBCONTRACTED CLIENT:				NAME OF SUBCONTRACTED CLIENT:			
NAME OF SUBCONTRACTED CLIENT:				NAME OF SUBCONTRACTED CLIENT:			
VERIFICATION							
I have used all reasonable diligence in preparing this Statement. I have reviewed this Statement and to the best of my knowledge the information contained herein is true and complete.							
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.							
Executed on <u>5/2/99</u> <small>DATE</small>				By <u>(Signature Required)</u> <small>SIGNATURE OF RESPONSIBLE OFFICER</small>			
Name of Responsible Officer <u>Susan Anderson</u> <small>PRINT OR TYPE</small>				Title <u>President</u>			

Instructions For Completing Form 602. List the name, address, and telephone number of the lobbyist employer or lobbying coalition, the effective date of the contract, if applicable, and the name and address of the lobbying firm authorized to engage in lobbying activities.

 **Verification:** The lobbyist employer must verify and sign the Form 602. In the case of a business entity, lobbying coalition, or other organization, a responsible officer of the entity, or an attorney or certified public accountant acting as an agent of the entity, may sign the verification.

Industry Group
Classification: All filers must complete Section E. Check one box which most accurately describes the industry group which the lobbyist employer represents. Industry, trade, or professional associations should check the box which most accurately describes the industry group of its members, (e.g., an association of hospitals would be classified as “Health,” and an association of mortgage banking entities would be classified as “Business-Finance/Insurance.” See instructions on the form for additional examples).

LOBBYIST EMPLOYER AND LOBBYING COALITION REGISTRATION STATEMENT, FORM 603

An individual, business entity, organization, or lobbying coalition that has an in-house employee who qualifies as a lobbyist must register with the Secretary of State within 10 days of qualifying as a lobbyist employer.

Each registered lobbyist employer/lobbying coalition must renew its registration between November 1 and December 31 of each even-numbered year. If the registration is not renewed, the lobbyist employer/lobbying coalition will be automatically terminated.

Registration and renewal of registration requirements include:

- ♦ Completion of the Form 603;
- ♦ Submission of a Form 604 completed by each partner, owner, officer, or employee who qualifies as an in-house lobbyist, including submission of a recent photograph of only the lobbyist's head and shoulders; and
- ♦ A \$25 registration fee payable to the Secretary of State for each individual who qualifies as an in-house lobbyist. Payment is required at time of filing.

If the lobbyist employer/lobbying coalition also contracts for the services of a lobbying firm, a Form 602 must be completed and provided to the firm.

If any change occurs in the information contained on the Form 603, or the Form 604 that has been submitted with the lobbyist employer/lobbying coalition's registration statement (such as a change of address), a Form 605 must be filed within 20 days of the change.

Notes:

- ♦ A lobbyist employer that only contracts with a lobbying firm, including an individual contract lobbyist, is not required to register, but must "authorize" the lobbying firm to act on its behalf by completing a Form 602 and providing it to the lobbying firm.
- ♦ A registered lobbyist employer (employs an in-house lobbyist) that also contracts with a lobbying firm is required to complete a Form 602 for the firm.
- ♦ A lobbyist employer that employs in-house lobbyists must attach a Form 604 for each in-house lobbyist employed.

Instructions for Completing Form 603.

Check one of the boxes indicating type of filer. If this is an initial registration, enter the date qualified as a lobbyist employer/lobbying coalition. Provide the name, address, and telephone number of the employer/coalition.

Check the applicable box: <input type="checkbox"/> Lobbyist Employer Registration Statement <input checked="" type="checkbox"/> Lobbying Coalition Registration Statement <small>(Government Code Section 86105)</small>		Legislative Session 1999/2000 <small>(Insert Years)</small>	CALIFORNIA FORM 603 <small>FAIR POLITICAL PRACTICES COMM.</small> For Official Use Only
Type or Print in Ink		Page <u>1</u> of <u>2</u>	
NAME OF LOBBYIST EMPLOYER OR LOBBYING COALITION: Alliance for Public Schools			If this is an initial registration, enter the DATE QUALIFIED: 4/15/99
BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code) 17035 Tenth Street, #1108 Sacramento CA 95814			TELEPHONE NUMBER: (916) 555-9178 FAX NUMBER: (Optional) (916) 555-9188
MAILING ADDRESS: (If different than above)			E-MAIL: (Optional) www.aps.com

I Lobbyists and Lobbying Firms Employed • List the full name of each in-house lobbyist employed and each lobbying firm with which you contract.	
In-House Employee Lobbyists: Tony Malone	Lobbying Firms: Governmental Communications
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.	
II List Below the State Agencies Whose Actions you Will Attempt to Influence • Will you attempt to influence the State Legislature? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Dept. of Education	
State Lottery Commission	
Supt. of Public Instruction	
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.	
III Description of Lobbying Interests • For assistance, see the instructions on the back of this form or the "Information Manual on Lobbying Disclosure Provisions of the Political Reform Act." <u>Legislation relating to funding for public schools</u>	

Part I - Lobbyists and Lobbying Firms Employed: List the full name of each in-house employee lobbyist and of each lobbying firm, if any, with which the lobbyist employer/lobbying coalition contracts.

Part II - State Agencies Whose Actions You Will Attempt to Influence: Check the appropriate box indicating if the lobbyist employer/lobbying coalition will attempt to influence legislative action. List each state office, department (including the Governor's office, if applicable), division, bureau, board, or commission the lobbyist employer/lobbying coalition will attempt to influence. Do not include the courts, or federal or local agencies.

Part III - Description of Lobbying Interests: Provide a description of the lobbying interests of the lobbyist employer/lobbying coalition. When registering to lobby particular legislation or administrative action, list the specific bills or regulations.

Examples:

ZB Corporation develops, manufactures, and distributes pharmaceuticals. The description should state "legislation relating to the development, manufacturing, and distribution of pharmaceuticals." It is not sufficient to describe the corporation's lobbying interests as "legislation relating to business."

A group of 12 real estate companies decide to share the cost of hiring a lobbying firm to influence a specific regulation before the Department of Fair Employment and Housing. It is not sufficient to state that the lobbying coalition's lobbying interest is "real estate development." Instead, it should specifically describe the regulations to be lobbied, such as "Regulations of the Department of Fair Employment and Housing relating to adult-only rental policies (Sections 12-8, 12-9)."


VERIFICATION

I have used all reasonable diligence in preparing this Statement. I have reviewed this Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed On 4/20/99 By (Signature Required)
DATE SIGNATURE OF RESPONSIBLE OFFICER

Name of Responsible Officer Frank Harris Title Executive Director
TYPE OR PRINT

 **Verification:** The report must be verified and signed by the filer. In the case of a business entity or organization, the verification must be signed by a responsible officer, or by an attorney or a certified public accountant who acts as an agent for the entity or organization.

Nature and Interests of Filer

Check *one* box only:

- ☐ INDIVIDUAL (Complete only Parts A and E) ☐ BUSINESS ENTITY (Complete only Parts B and E) ☐ INDUSTRY, TRADE OR PROFESSIONAL ASSN. (Complete only Parts C and E) ☒ OTHER (e.g., lobbying coalition) (Complete only Parts D and E)

A. Individual

1. Name and address of employer (or principal place of business if self-employed):

2. Description of business activity in which you or your employer are engaged:

B. Business Entity

Description of business activity in which engaged:

C. Industry, Trade or Professional Association

1. Description of industry, trade or profession represented:

2. Specific description of any portion or faction of the industry, trade, or profession which the association exclusively or primarily represents:

3. Number of members in association (check appropriate box)

- ☐ 50 OR LESS (provide names of all members on an attachment.) ☐ MORE THAN 50

D. Other

1. Statement of nature and purposes:

To support legislation to increase funding for high schools

2. Description of any trade, profession, or other group with a common economic interest which is principally represented or from which membership or financial support is principally derived:

E. Industry Group Classification

Check one box which most accurately describes the industry group which you represent. See instructions on reverse.

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> AGRICULTURE | <input type="checkbox"/> LEGAL | <i>BUSINESS (Check one of the following sub-categories.)</i> | |
| <input checked="" type="checkbox"/> EDUCATION | <input type="checkbox"/> PUBLIC EMPLOYEES | <input type="checkbox"/> ENTERTAINMENT/RECREATION | <input type="checkbox"/> OIL AND GAS |
| <input type="checkbox"/> GOVERNMENT | <input type="checkbox"/> POLITICAL ORGANIZATIONS | <input type="checkbox"/> FINANCE/INSURANCE | <input type="checkbox"/> PROFESSIONAL/TRADE |
| <input type="checkbox"/> HEALTH | <input type="checkbox"/> UTILITIES | <input type="checkbox"/> LODGING/RESTAURANTS | <input type="checkbox"/> REAL ESTATE |
| <input type="checkbox"/> LABOR UNIONS | <input type="checkbox"/> OTHER: _____
(Describe) | <input type="checkbox"/> MANUFACTURING/INDUSTRIAL | <input type="checkbox"/> TRANSPORTATION |
| | | <input type="checkbox"/> MERCHANDISE/RETAIL | <input type="checkbox"/> OTHER: _____
(Describe) |

Nature and Interests of Filer:

Check the box that indicates whether the lobbyist employer is an individual, a business entity, an industry, trade or professional association, or some other type of entity, such as a lobbying coalition, a religious organization, a political or public interest organization, or a recreational club. Complete Part A, B, C, or D, whichever is applicable, and then complete Part E. An association with less than 50 members must also provide the names of all members.

Industry Group Classification:

All filers must complete Section E. Check one box that most accurately describes the industry group the lobbyist employer represents. Industry, trade, or professional associations should check the box that most accurately describes the industry group of its members (e.g., an association of hospitals would be classified as "Health," and an association of mortgage banking entities would be classified as "Business-Finance/Insurance"). See instructions on the form for additional examples.

**AMENDMENT TO REGISTRATION,
FORM 605**

Whenever any information reported on an initial registration statement changes, a Form 605 must be filed.

Deadlines for filing Form 605:

- ◆ If a lobbying firm is adding a new lobbyist employer/lobbying coalition, the amendment must be filed prior to attempting to influence legislative or administration action on behalf of that lobbyist employer/lobbying coalition.
- ◆ Within 20 days of any other change.

Amendment to Registration Statement <small>(Government Code Section 86107)</small>		Legislative Session 1999/2000 <small>(Insert Years)</small>		CALIFORNIA FORM 605 <small>FAIR POLITICAL PRACTICES COMM.</small> <small>For Official Use Only</small>	
Check the applicable box: <input checked="" type="checkbox"/> LOBBYING FIRM REGISTRATION <input type="checkbox"/> LOBBYIST EMPLOYER REGISTRATION <input type="checkbox"/> LOBBYING COALITION REGISTRATION					
Type or Print in Ink					
NAME OF FILER: Beyer and Bennett					
ADDRESS (Number and Street) 900 State Street		(City) Sacramento		(State) (Zip) CA 95814	
TELEPHONE NUMBER: (916) 555-9800					
I Description of Changes (See instructions on cover sheet and examples on the back of this page.)					
Check appropriate box(es)					
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Adding Lobbyist <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> Susan White <small>Name of Lobbyist</small> </div> <div style="width: 20%;"> 1 / 1 / 00 <small>Effective Date</small> </div> <div style="width: 20%; text-align: center;"> Attach Form 604 </div> </div> </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Lobbying Firm Deleting Lobbyist Employer <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> Child Care Providers of CA <small>Name of Employer</small> </div> <div style="width: 20%;"> 12 / 31 / 99 <small>Effective Date</small> </div> <div style="width: 20%; text-align: center;"> No attachment required </div> </div> </div> </div>					
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Lobbying Firm Adding Lobbyist Employer <small>(Including Subcontract Clients)</small> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> CA Coalition for Clean Air <small>Name of Lobbyist Employer</small> </div> <div style="width: 20%;"> 1 / 1 / 00 <small>Effective Date</small> </div> <div style="width: 20%; text-align: center;"> Complete Part II and Attach Form 602 </div> </div> </div> <div style="width: 45%;"> <input type="checkbox"/> Registered Lobbyist Employer Deleting Lobbying Firm <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> _____ <small>Name of Firm</small> </div> <div style="width: 20%;"> ____ / ____ / ____ <small>Effective Date</small> </div> <div style="width: 20%; text-align: center;"> No attachment required </div> </div> </div> </div>					
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Registered Lobbyist Employer Adding Lobbying Firm <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> _____ <small>Name of Lobbying Firm</small> </div> <div style="width: 20%;"> ____ / ____ / ____ <small>Effective Date</small> </div> <div style="width: 20%; text-align: center;"> No attachment required </div> </div> </div> <div style="width: 45%;"> <input type="checkbox"/> Deleting Lobbyist <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> _____ <small>Name of Lobbyist</small> </div> <div style="width: 20%;"> ____ / ____ / ____ <small>Effective Date</small> </div> <div style="width: 20%; text-align: center;"> Check one <input type="radio"/> Form 606 is attached as the lobbyist is ceasing activities as a lobbyist. <input type="radio"/> Form 606 is <u>NOT</u> attached as the lobbyist is no longer employed by the filer but will lobby on behalf of others. <small>(Gov. Code Section 86107 requires the lobbyist and the new employer to file the appropriate forms within 20 days.)</small> </div> </div> </div> </div>					
<input type="checkbox"/> Other - Describe in detail and provide attachments as required. <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 60%;"> _____ <small>Effective Date</small> </div> <div style="width: 40%;"></div> </div>					
VERIFICATION					
I have used all reasonable diligence in preparing this Amendment. I have reviewed this Amendment and to the best of my knowledge the information contained herein is true and complete.					
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
Executed On <u>1/8/00</u> <small>DATE</small>		By _____ (Signature Required) <small>SIGNATURE OF RESPONSIBLE OFFICER</small>			
Name of Responsible Officer <u>Robert Beyer</u> <small>TYPE OR PRINT</small>		Title <u>Partner</u>			

Instructions For Completing Form 605. Check the appropriate box identifying the type of statement that is being amended. Provide the name, address and telephone number of the filer.

Part I - Description of Changes: Check the box to indicate whether you are adding, deleting, or changing information contained on the registration statement and enter the effective date of the change. Describe the information being amended (e.g., the name of the lobbyist or employer being added or deleted). Instructions on how to report common registration amendments are provided below.

Verification: The statement must be verified and signed by the person who is designated on the lobbying firm's registration statement as the responsible officer of the firm. In the case of a lobbyist employer/lobbying coalition, the verification must be signed by a responsible officer, or by an attorney or a certified public accountant who acts as an agent for the entity or organization.

Common Amendments:


Adding a Lobbyist: Complete Form 605 and attach a completed Form 604, enclose a \$25 registration fee payable to the Secretary of State, and, if the

lobbyist is newly qualified, a recent photograph (head and shoulders only). A photograph is not necessary if the lobbyist is already registered for the current legislative session.

Deleting a Lobbyist: Complete Form 605 and attach a Form 606 if a lobbyist is ceasing all activities as a lobbyist. If a lobbyist will no longer be employed by you, but is continuing activities as a lobbyist on behalf of others, no attachments are necessary.

Lobbying Firm Adding Lobbyist Employer/Lobbying Coalition: Complete Form 605 (Parts I and II A). Also attach a Form 602 signed by the responsible officer of the lobbyist employer/lobbying coalition.

Lobbying Firm Subcontracting a Lobbyist Employer/Lobbying Coalition: A lobbying firm that is adding a client through a subcontract must complete Form 605 (Parts I and II B). Also attach a Form 602 signed by a representative of the subcontracting lobbying firm. The client is not required to file Form 602.

 When adding a new lobbyist employer/lobbyist coalition, Form 605 must be filed prior to attempting to influence legislative or administrative action on behalf of that person.

Lobbying Firm Deleting a Lobbyist Employer/Lobbying Coalition: Complete Form 605. No attachment is necessary.

A Change in a Lobbying Firm's Designated Responsible Officer: Complete Form 605 and attach Part III of Form 601 signed by the new responsible officer.

Lobbyist Employer Deleting a Lobbying Firm: When a registered lobbyist employer terminates a contract with a lobbying firm, a Form 605 must be filed by both the registered lobbyist employer and the lobbying firm.

A lobbyist employer that is not registered (i.e., has no in-house lobbyists) is not required to file Form 605 when it terminates a contract with a lobbying firm.

Amendment to Registration Statement <small>(Government Code Section 86107)</small>				CALIFORNIA FORM 605 <small>FAIR POLITICAL PRACTICES COMM.</small>	
Type or Print in Ink					
NAME OF FILER: Beyer and Bennett					
II Adding A Lobbyist Employer <ul style="list-style-type: none"> • Complete <i>Section A</i> when adding a lobbyist employer that is a direct client of the lobbying firm. • Complete <i>Section B</i> if the client is subcontracted by another lobbying firm. • Attach a completed Form 602. 					
SECTION A					
Name of Lobbyist Employer CA Coalition for Clean Air					
Business Address: (Number and Street)		(City)	(State)	(Zip)	
1002 Bluesky Avenue		Berney	CA	91504	
Agencies to be Lobbied		Description of Lobbying Interests		Period of Contract	
Legislature and Air Resources Board		Air Pollution Issues		2000	

A Change in Any Information Contained on the Lobbyist Certification Statement: If a change occurs in any of the information on the Form 604, an amended Form 604 must be filed as an attachment to the lobbying firm's or lobbyist employer/lobbying coalition's Form 605.

Note: No amendment is necessary when a lobbyist employer/coalition changes its designated responsible officer.

Questions and Answers

- Q.** Is a lobbying firm, lobbyist employer or lobbying coalition required to pay the \$25 registration fee when it hires a lobbyist who has been previously registered with another lobbying firm, lobbyist employer or lobbying coalition?
- A.** Yes.
- Q.** When is a registered lobbyist employer required to amend its registration to add a state agency to be lobbied?
- A.** Within 20 days of engaging in direct communication with officials of the agency for the purpose of influencing administrative action.
- Q.** Must a lobbyist employer list on its registration statements all departments under the umbrella of a state agency (e.g., Board of Nursing within the Department of Consumer Affairs)?
- A.** Yes, all departments that will be lobbied must be listed.

The following chart summarizes several common situations that result in the filing of registration and/or amendment statements. Quarterly disclosure statements are also required of lobbying firms, lobbyists, and lobbyist employers.

Situation	Registration Requirement	Deadline
Entity qualifies as lobbyist employer by retaining an existing lobbying firm.	Firm files 605, attaches 602 signed by lobbyist employer.	Before the firm engages in direct communication.
Entity qualifies as lobbyist employer by employing an in-house lobbyist.	Lobbyist employer files 603, attaches 604 signed by lobbyist.	Within 10 days of qualifying as a lobbyist employer.
Entity qualifies as a lobbying firm by contracting with a lobbyist employer.	Firm files 601, attaches 602 signed by lobbyist employer.	Within 10 days of qualifying as a lobbying firm.
Lobbying firm A subcontracts a client to Lobbying firm B.	Firm B files 605 and attaches a 602 signed by Firm A. No registration requirement for the client.	Before Firm B lobbies for the client.
Lobbyist changes employment. Leaves lobbyist employer to work for existing lobbying firm.	Employer files 605 - no attachment. Firm files 605, attaches 604 signed by lobbyist (fee required).	Within 20 days of the effective date.
Lobbying firm stops lobbying for a client. Client does not employ a lobbyist.	Firm files 605. No registration requirement for client.	Within 20 days of the effective date.
Lobbying firm stops lobbying for a client. Client employs an in-house lobbyist.	Firm files 605. Lobbyist employer files 603, attaches 604 signed by lobbyist (picture and fee required)	Within 20 days of the effective date.
Lobbyist employer with an in-house lobbyist renews registration.	Employer files 603, attaches 604 signed by lobbyist (picture & fee required).	Between November 1 and December 31 of each even-numbered year.
Lobbying firm renews registration.	Firm files 601, attaches 604 signed by each lobbyist & 602 signed by each client (picture & fee required).	Between November 1 and December 31 of each even-numbered year.

5. Gifts and Other Activity Expenses

ACTIVITY EXPENSES

Among other things, lobbyists, lobbying firms, lobbyist employers/lobbying coalitions and \$5,000 filers are required to disclose activity expenses, i.e., payments which benefit the persons identified below under Definition of Activity Expense. This section provides guidance on reporting activity expenses, the most common of which are gifts (e.g., food, beverages, flowers, etc.). However, activity expenses also include any form of compensation, such as consulting fees and salaries.

Complying with the Act's provisions regulating activity expenses often depends upon the nature of the particular event or activity. This section provides guidance for the more commonly asked questions regarding activity expenses. Do not rely on the examples alone to ensure compliance with the Act. For reference, several regulations relating to activity expenses have been reproduced and are included in Appendix B.

Detailed reporting, notice requirements, and gift limits are discussed below. Also discussed are the exceptions that apply to both reporting requirements and to the gift limits.

Definition of Activity Expense. An "activity expense" is any payment that benefits, in whole or in part:

- ♦ An elected state officer;
- ♦ A legislative official;
- ♦ A state agency official;
- ♦ A state candidate; or
- ♦ A member of the immediate family of such officials or candidates (i.e., spouse and dependent children).

A payment that benefits a state "agency official" or member of an agency official's immediate family is an activity expense only if the agency that employs the official is, or should be listed on the donor's registration statement.

This manual refers to such individuals as "reportable persons."

Report activity expenses during the period in which they occurred, regardless of whether the expenses were actually paid during the period. All activity expenses must be reported whether or not lobbying occurs at the time of the event.

Examples:

While awaiting the arrival of their respective airplanes, lobbyist Kathy Taylor purchases a cup of coffee for Senator Jim Smith. Even though they only engage in social conversation, the beverage is an activity expense which must be reported on Ms. Taylor's Form 615.

Colleen Jones is a lobbyist for the Olson Corporation. She only lobbies legislation affecting labor relations issues before the California Legislature. Ms. Jones invited Mary Ann Ward, a state official with the Department of Water Resources, to breakfast. Because Ms. Jones does not lobby the Department of Water Resources, the payment for Ms. Ward's breakfast is not a reportable activity expense.

Kempler Hospital is a lobbyist employer. Janice Duke is a registered nurse employed by Kempler Hospital and is the spouse of the Director of Health Services, a state agency the hospital lobbies. Kempler Hospital must report Ms. Duke's salary as an activity expense.

Definition of Gift. Gifts are the most commonly reported activity expense. The Act defines a gift as any "payment" (which may be money or anything else of value, such as goods or services) to the extent that consideration of equal or greater value is not received by the donor. The term "gift" includes, but is not limited to, payments made for food, beverages and travel. Exceptions to the term "gift" are provided in Commission Regulations 18941, 18942, and 18943, which are contained in Appendix B.

Gifts and Other Activity Expenses - Cont'd

Gift Limits. Lobbyists and lobbying firms may not make, or act as an agent or an intermediary in the making of a gift, or arrange for the making of a gift in excess of \$10 in a calendar month. This limit applies to any payment made directly or indirectly to any state candidate, elected state officer, legislative official, or to any agency official of any state agency required to be listed on the registration statement of a lobbying firm or a lobbyist employer/lobbying coalition. Although they are reportable activity expenses, gifts made directly to members of an official's immediate family are not subject to the gift limits unless the family member is also a public official described above.

In addition, lobbyist employers/lobbying coalitions and \$5,000 filers may not make gifts aggregating more than \$290 (\$300—effective 1/99) per calendar year to legislative officials, elected state officers, and most state agency officials.

The \$290 (\$300—effective 1/99) gift limitation is revised each odd-numbered year based on changes in the Consumer Price Index.

Arranging a Gift. Lobbyists and lobbying firms are prohibited from making or “arranging” a gift of more than \$10 in a calendar month to any state candidate, elected state officer, legislative official, or to any agency official of any state agency required to be listed on the registration statement of a lobbying firm or lobbyist employer/lobbying coalition. It is not necessary for a lobbyist or lobbying firm to actually pay for or incur an expense to meet the definition of “arranging” a gift.

A lobbyist or lobbying firm “arranges for the making of a gift” if the lobbyist or lobbying firm, either directly or through an agent, does any of the following:

- ♦ Delivers a gift to the recipient;
- ♦ Acts as the representative of the donor, if the donor is not present at the occasion of a gift. This does not include accompanying the recipient to an event where the donor will be present;

- ♦ Invites or sends an invitation to an intended recipient regarding the occasion of a gift;
- ♦ Solicits responses from an intended recipient concerning his or her attendance or non-attendance at the occasion of a gift; or
- ♦ Acts as an intermediary in connection with the reimbursement of a recipient’s expenses.

Examples:

Lobbyist Dan Martinez invites a legislator to lunch. After the lunch has been arranged, Martinez invites lobbyist Shirley Smith. Martinez pays the entire cost of the lunch. Smith is not required to report the luncheon because she did not pay or “arrange” the gift. On his Form 615, Martinez must report the entire cost of the lunch, provide the legislator’s name and the amount which was attributable to the legislator.

Together, Martinez and Smith invite a legislator's aide to lunch. Martinez and Smith share the cost of the lunch. Both lobbyists must report the activity. In addition to reporting the amount they each paid, each lobbyist must indicate that the amount paid was a portion of the total cost, and report the total cost.

A lobbying firm’s client hosts a reception for some legislators and their staff. The lobbying firm is the contact for the legislative officials, and the officials call the lobbying firm to RSVP attendance. Although the lobbying firm does not make any of the payments in connection with the reception, the lobbying firm must report the event as an activity expense because the firm’s activities come within the definition of “arranging a gift.” If the client is a lobbyist employer, it must also report the activity expense.

In each of the previous examples, the benefit provided to the legislative officials may not exceed \$10 in value.

The California Insurance Coalition, a lobbyist employer, held its annual convention in South Lake Tahoe. Staff of the Coalition invited legislative officials and directed and controlled the event’s

preparations. The Coalition's lobbyist did not solicit responses to the event or direct or control any payment in connection with the event. The lobbyist may attend the event as long as an officer, manager, or executive of the Coalition is also present. The lobbyist is not required to report activity expenses in connection with the event on his/her Form 615. The activity expenses are reported on the Coalition's Form 635. The amount benefiting each legislative official is subject to the \$290 (\$300—effective 1/99) annual gift limit.

Source of a Gift. Generally, a person is the source of a gift if the person makes a gift to a reportable person and is not acting as an intermediary. Determining who is the source of a gift is based on the specific facts of each event. If assistance is needed to determine the source of a gift, contact the Technical Assistance Division prior to the event. Also, guidance for determining the source of a gift may be found in Regulation 18945, Appendix B.

Examples:

The Association of Consultants, a lobbyist employer, is holding a reception to entertain the California Legislature, legislative staff, and other public officials. The Association directs and controls the event's preparations, including determining the guest list, and planning the reception and entertainment. Although other business entities have been solicited to help fund the event, the contributing entities are not involved in any of the reception's preparations, including the invitations. The Association is the source of the gift (activity expense) to each reportable person who attends the event. In addition, the gift counts toward each official's \$290 (\$300—effective 1/99) annual gift limit. The other business entities are not considered the source of the gift and do not incur reporting obligations.

On another occasion, at the request of the Olson Corporation, the Association invites an Assemblymember to dinner to discuss a bill. The Olson Corporation, an Association member and also a lobbyist employer, agreed earlier to reimburse

the Association for this specific event. The Olson Corporation is the source of the gift as it directs and controls a payment benefiting a clearly identified official. Therefore, the Olson Corporation, not the Association, must report the dinner as an activity expense on its Form 635.

Gift Notifications. Filers of lobbying disclosure reports are required to notify officials to whom they make gifts aggregating \$50 or more in a calendar year. The notification requirements are provided below.

Invitations

Lobbyists, lobbying firms, lobbyist employers/lobbying coalitions, and \$5,000 filers are required to include the following notice in all written or printed invitations to events at which an elected state officer, a candidate for elective state office, a legislative official, or a state agency official will receive a reportable gift. The notice must be printed in no less than 8-point type and in a color or print that contrasts with the background of the invitation and must state:

Attendance at this event by a public official will constitute acceptance of a reportable gift.

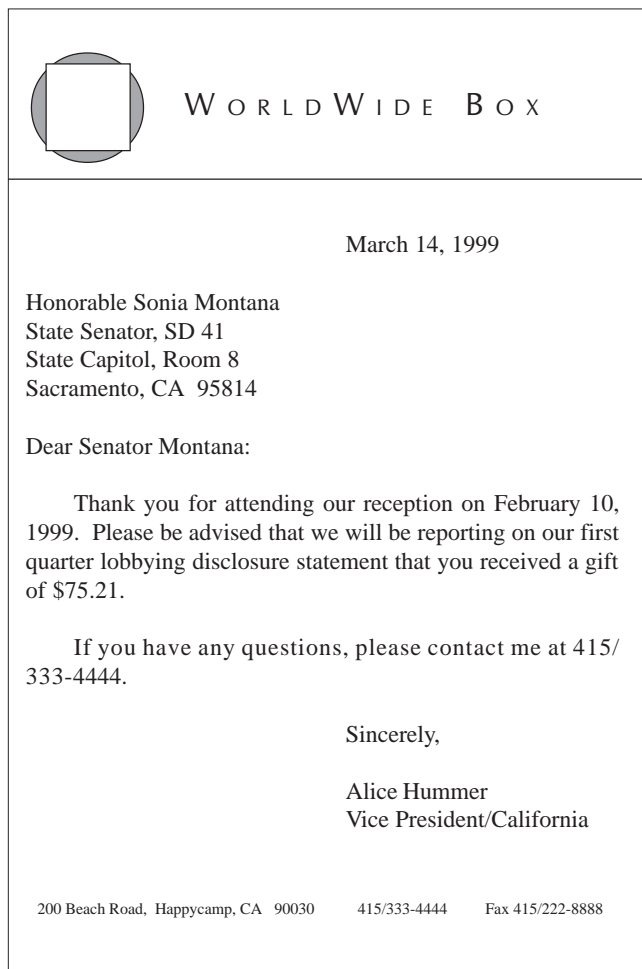
Notification to the Beneficiary of a Gift

Lobbyists, lobbying firms, lobbyist employers/lobbying coalitions, and \$5,000 filers are required to notify officials to whom they have made gifts aggregating \$50 or more during the calendar year. The correspondence must be sent to the official within 30 days following the end of each calendar quarter in which the gift was provided. The correspondence must provide the following information:

- The date the gift was provided to the official;
- The amount of the gift; and
- A description of the goods or services provided.

Gifts and Other Activity Expenses - Cont'd

Example:



In lieu of this notice, a copy of the “activity expense” section of the donor’s quarterly lobbying disclosure report may be provided.

Notes:

- ◆ Elected state officers and candidates for elected state office must report gifts received from a single source totaling \$50 or more in a calendar year.
- ◆ Designated employees of state agencies and members of state boards and commissions must report gifts totaling \$50 or more in a calendar year from sources specified by their agency’s conflict of interest code.

Valuing Gifts. To determine the amount of a gift, the fair market value must be used. The fair market value is the amount the recipient would pay for the item on the open market.

***Example:** The Franco Winery, a lobbyist employer, provides a bottle of its wine to a reportable person. The wine constitutes a gift and is a reportable activity expense. For reporting purposes, it is valued at what it will cost a member of the public to buy the same bottle of wine on the open market.*

Passes and Tickets

Passes or tickets given to an official that provide admission or access to facilities, goods, services, or other benefits are reportable gifts and activity expenses if they are used by the official or if the official transfers the item to another person. Such gifts are subject to the Act’s \$10 and \$290 (\$300–effective 1/99) gift limits. The value of a pass or ticket which provides:

- One-time admission is the face value of the pass or ticket, or if there is no stated cost, the price offered to the general public.
- Repeated admission or access to facilities, goods, services, or other benefits is the fair market value of actual use of the pass or tickets by the recipient official, including guests who may accompany the official and who are admitted with the pass or tickets, plus the fair market value of any possible use by any person to whom the official transfers the privilege or use of the pass or tickets.

Tickets to Nonprofit & Political Fundraisers

- Nonprofit associations not exempt under Section 501(c)(3) of the Internal Revenue Code: The value of a ticket to a fundraising event which clearly states that a portion of the ticket price is a donation to a nonprofit organization is the face value of the ticket reduced by the amount of the donation. If the ticket has no stated price or no stated donation portion, the value of the gift is the fair market

value of any food, beverage, or other tangible benefits provided to each attendee.

- Nonprofit associations exempt under Section 501(c)(3) of the Internal Revenue Code: A ticket to a fundraising event for a nonprofit organization exempt under Section 501(c)(3) of the Internal Revenue Code has no value.
- Political fundraiser: A ticket to a political fundraiser has no value.

Wedding Gifts

For purposes of valuing wedding gifts, one-half of the value of the gift is attributable to each spouse, unless the gift is intended exclusively for the use and enjoyment of one spouse, in which case the entire value of the gift is attributable to that individual. Lobbyists and lobbying firms are subject to the \$10 gift limit for wedding gifts. However, a wedding gift provided to an official from someone other than a lobbyist or lobbying firm is not subject to the \$290 (\$300—effective 1/99) gift limit.

Example: Lobbyist Johnson purchases linens as a wedding gift for an Assemblymember and spouse-to-be. The value of the gift may not exceed \$20.

Home Hospitality

The cost of providing hospitality involving food, beverage or occasional lodging at the home of a lobbyist is a reportable gift only if:

- Part of the cost is paid or reimbursed by the lobbyist's employer or lobbying firm;
- The lobbyist deducts any cost as a business expense on a tax return;
- There is an understanding that some of the lobbyist's compensation is for home hospitality. (See Regulation 18630, Appendix B.)

Informational Tours

On-site demonstrations, tours, or inspections designed specifically for officials are not gifts and

are not subject to the \$10 or \$290 (\$300—effective 1/99) gift limits. Travel to the site and subsistence provided to an official during an informational tour are generally considered gifts and are reported as activity expenses. However, transportation that is an integral part of the tour and is not commercially available may be considered informational material and not a gift.

Example: A chartered bus tour of the Sacramento-San Joaquin Delta provided to legislators by an association of water agencies constitutes informational material, not a gift to the legislators. The tour enabled legislators to examine levees, fishing facilities, and local and state water projects in the Delta. Speakers from the California Departments of Water Resources and Fish and Game provided information throughout the tour. Thus, the tour served primarily to convey information and was provided to the legislators to assist them in performing their official duties of making decisions regarding California water policy. Expenses directly related to the bus tour are reported by the lobbyist employer under "Other Payments to Influence Legislative or Administrative Action." However, a legislator's air fare from Los Angeles to the tour site and the food and beverages provided in connection with the tour are gifts and disclosed as "Activity Expenses."

Personalized Plaques and Trophies Valued at Less than \$250


A personalized plaque or trophy valued at less than \$250 is not considered a gift to a public official and is not reportable as an activity expense by the donor.

Example: The Association of College Students hosts an awards banquet and presents a "Legislator of the Year" engraved plaque to a legislative member. The value of the engraved plaque is less than \$250. The legislative member does not report the plaque as a gift, nor does the Association report the plaque as an activity expense.

Gifts and Other Activity Expenses - Cont'd

Informational Material

In general, informational material (e.g., books, reports, pamphlets, calendars) provided to an official for the purpose of assisting him or her in the performance of his or her official duties is not considered a gift or an activity expense. If the official can also use the informational material for personal purposes, the informational material provided is a reportable activity expense. For example, providing an official with a Consumer Reports magazine subscription and a decorative map have been determined to be an activity expense because the items also provided a personal benefit to the official.

 See page 63 for information on reporting the costs of studies, surveys, reports, or other materials used in connection with lobbying activities.

Testimonial Dinners and Similar Events

When an official is honored at a testimonial dinner or similar event, the official's gift is valued at his/her pro rata share of the cost of the event plus the value of any tangible gift.

If the honored official has left office at the time the event is held, the \$10 and \$290 (\$300—effective 1/99) gift limits do not apply.

Baby Showers

When an official is honored at a baby shower, the official's gift is valued at his/her pro rata share of the cost of the baby shower (e.g., decorations and refreshments) plus any gifts for the specific use of the official (e.g., gift certificates). These gifts are subject to the \$10 and \$290 (\$300—effective 1/99) gift limits and must be reported as an activity expense.

Gifts for the specific use of the baby (e.g., stroller, blanket, clothing) are gifts to the baby and are not subject to the \$10 or \$290 (\$300—effective 1/99) gift limits.

Food/Beverage

Gifts of food and beverage are the most commonly reported activity expenses.

-- Restaurants. When food and beverage is provided to an official at a restaurant, the value of the gift is the actual cost of the items consumed by the official plus a pro rata amount for tax and tip.

-- Catered Events. The value of food and beverage consumed at a catered event (e.g., reception) or a family-style restaurant is determined by dividing the total cost of the event (food, beverage, entertainment, decorations, room rental, etc.) by one of the following methods:

- ♦ The number of individuals who attended the event; or
- ♦ The number of meals prepared by a caterer based on a guaranteed number of individuals attending the event; or
- ♦ The number of individuals who RSVPd their attendance at the event.

It is not permissible to divide the total cost of the event by the number of individuals invited.

The amount of benefit attributable to an official attending a legislative-related social event is determined by applying one of the three methods described above for catered events. However, if an official notifies the donor/host that he/she did not partake in the entertainment or the food and beverage served at the event, the donor may adjust the amount attributed to the official. If the amount has been disclosed on a quarterly statement, the donor may adjust the amount benefiting the reportable person by filing a Form 690, Amendment to Lobbying Disclosure Report.

Notes:

- ♦ An official has not received a gift if he or she returns the gift, unused, to the donor or donates the gift, unused, to a government entity or charitable organization within 30 days. The official may also reimburse the donor for some or all of the value of the gift. The reimbursement must occur within 30 days.

- ♦ A lobbyist who does not make or arrange for a gift to an official may attend an event where the official receives a gift of more than \$10 if the person making the gift (or the person's representative) is also in attendance.
- ♦ When an official attends an event that is not held for the purpose of entertaining or meeting with officials, such as a company's open house, the amount reported in the column "Total Amount of Activity" is the amount attributable to the official and not the total cost of the event.
- ♦ When a reception or other event to entertain or meet with officials is held in conjunction with other meetings, such as an organization's annual meeting, report the total cost of the reception and not the total cost of the organization's annual meeting in the column "Total Amount of Activity."
- ♦ When the expenses of an event are shared, report the amount the lobbyist, lobbying firm, lobbyist employer/lobbying coalition, or \$5,000 filer paid toward the event in the "Total Amount of Activity" column. In addition, report the total cost of the event in a footnote. See page 58 for an example.
- ♦ At large gatherings, a guest book or sign-in sheet should be used to identify the reportable persons that attended the event. Records must indicate the total number of individuals who attended and the amount attributable to each. However, do not list guests who are not reportable persons on a lobbying disclosure statement.
- ♦ The \$10 and \$290 (\$300—effective 1/99) gift limits do not apply to a member of the immediate family (spouse and dependent children) of a state candidate, legislative official, elected state officer, or state agency official. However, gifts provided to immediate family members are reportable activity expenses.
- ♦ Generally, gifts given directly to members of an official's immediate family are not gifts to the official as long as the official does not use or exercise direction and control regarding the

gift. Additional guidance for determining how to value gifts to an official and his/her immediate family members may be found in Regulation 18944, Appendix B.

Example: *Legislator Smith and spouse attend an event at which the benefit received is \$25 per person. If the invitation is addressed to "Legislator Smith and Spouse," the amount of the gift attributable to Legislator Smith is \$25. However, if the invitation is addressed to "Legislator Smith and Guest," and the spouse or another individual attends the event, the amount of the gift attributable to Legislator Smith is \$50 because the legislator determined who the guest would be.*

If the spouse of an official stays in the same hotel room as the official, and there was no additional hotel cost to the sponsor for the spouse, the entire cost of the room is attributable to the official.

Payments for Legislative, Governmental or Charitable Events.

Periodically, lobbying entities are asked by state elected officeholders to make payments or provide goods or services to support an event or activity. Because such activities are at the behest of an officeholder, the issue arises whether these payments are reportable contributions. In 1997, the Legislature amended the definition of "contribution" in Government Code Section 82015. The new law became effective September 24, 1997.

In general, the new amendment narrows the scope of payments that are considered contributions to those principally for election-related activities. If a portion of a payment is for election-related activities, the payment is considered a "contribution." For guidance, a list of election-related activities is provided in the law which is cited in the Glossary for your reference. As reviewed in Chapter 6, filers of lobbying reports must disclose contributions of \$100 or more made to state candidates and officeholders.

Gifts and Other Activity Expenses - Cont'd

The following types of payments made at the behest of a candidate are presumed to be for purposes unrelated to a candidate's candidacy for elective office and therefore not a contribution:

- ♦ a payment made principally for personal purposes
- ♦ a payment made by a governmental agency or an organization with Internal Revenue Code Section 501(c)(3) tax exempt status
- ♦ a payment made principally for a legislative, charitable, or governmental purpose

As reviewed in the preceding pages, a payment made principally for a personal purpose may be considered a gift and a reportable activity expense. Officeholders are also required to report certain gifts of \$50 or more in a calendar year. Gifts are also subject to limits.


The amendment also added a new disclosure provision that requires state elected and other officeholders to report payments made at their behest for a legislative, charitable, or governmental purpose. The report is filed with the officeholder's agency and is forwarded to the FPPC. Only sources of payments aggregating \$5,000 or more in a calendar year are disclosed. The public document must include, among other items, the date of the payment, source, payee, and a description of the specific purpose or event for which the payment was made.

The Commission will be considering regulations to clarify the amended statute. Persons are encouraged to call the Commission for advice if there are questions concerning the new law.

Honoraria Ban. Legislative officials, most state and local officials and employees, and candidates for state and local office may not accept honoraria payments.

"Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

Most officials are subject to a ban on accepting honoraria. However, payments or reimbursements for an official's transportation, lodging, and subsistence are generally not considered honoraria.

 **Travel Payments.** In general, payments for travel (ground or air transportation, lodging, and meals) that benefit an official constitute a gift. However, depending on the circumstances, a travel payment may not be subject to limits, or may be considered a contribution or income to the official.

Regulations 18944.2 (Gifts to an Agency), 18950.1 (Gifts of Travel: Exceptions), 18950.3 (Travel in Connection with Speeches, Panels, and Seminars: Exception for All Filers), 18950.4 (Payments for Travel), and Appendix B provide guidance for determining whether a specific travel payment is a gift, income, or contribution and whether the payment is reportable and subject to gift limits. The regulations address:

- Travel in connection with a speech;
- Travel provided by governmental entities and charities;
- Travel provided to an official's agency;
- Travel in connection with bona fide business; and
- Travel in connection with campaign activities.

Following is a selected summary of the Commission's current advice. This advice is based on specific sets of circumstances and is provided for informational purposes only. Do not rely on the examples alone to ensure compliance with the Act. It is recommended that persons contact the Commission before making travel payments.

- ♦ An official has been advised that acceptance of Super Bowl tickets from a non-profit organization that promotes local sports and the use of its private corporate jet to attend the Super Bowl would violate the \$290 (\$300-effective 1/99) gift limit. However, the official could

reimburse the organization for the amount over \$290 (\$300—effective 1/99) within 30 days of receipt.

- ♦ An Assemblymember has been advised that payment for airfare to Maui, Hawaii, to participate as a keynote speaker at an association's convention which focused on developing Pacific Rim markets for agricultural products was reasonably related to a governmental purpose. Under Regulation 18950.1, the airfare payment is not subject to gift limits, but must be reported as an activity expense. The requirement to report the payments for lodging and meals will depend on the specific facts of the trip.
- ♦ An organization provided travel and accommodations to a state agency's employees so that the employees could attend a training program. Because the state agency received and controlled the payments for travel from the organization, used the payments for agency business, selected the employees who attended the training program, and recorded the payments in a public record, the Commission advised that the travel payments constituted a gift to the state agency and not gifts to the state employees who attended. See Regulation 18944.2, Appendix A.
- ♦ An Assemblymember's administrative assistant has been advised that he may accept payments from a lobbyist employer for transportation, room and board, and a speaking fee for his performance as a stand-up comic. The payments for his performance constitute earned income in connection with his bona fide business. The lobbyist employer is required to report the payments as an activity expense.
- ♦ The Commission has advised that a third party's payments for an elected official's air travel to attend the official's campaign fundraiser is a contribution. Contributions of \$100 or more must be reported on a lobbying disclosure quarterly report.

- ♦ An association paid an official's transportation, meals, and lodging expenses directly in connection with an event at which the official gave a speech in Pebble Beach, California. The payments are not subject to the gift limits and are not reportable by the association or the official.

Notes:

- ♦ If an official claims that a payment for travel is income and not a gift, the official has the burden of proving that the consideration he or she provided was of equal or greater value than the payment received. There is no exact formula to determine whether an official has provided consideration of equal or greater value, and, ultimately, this determination is a factual one. Such payments are generally considered a gift, although they may not be subject to the gift limits.
- ♦ Regulation 18950.1 exempts certain travel payments from the \$290 (\$300—effective 1/99) gift limit but does not exempt the payments from the \$10 gift limit imposed on lobbyists and lobbying firms.

Questions and Answers

- Q.** Is a lobbyist subject to the \$10 gift limit when he/she uses personal funds to take an official to lunch and is later reimbursed by his/her employer?
- A.** Whether or not a lobbyist is reimbursed by his/her employer, a lobbyist may not make a gift benefiting an official of more than \$10 in a calendar month.
- Q.** Is a lobbying firm prohibited from arranging an out-of-state speaking engagement for an official on behalf of one of the firm's clients?
- A.** Out-of-state travel is a gift which is subject to the \$10 gift limit. Therefore, any employee of the lobbying firm is prohibited from arranging the travel.
- Q.** Must the gift notification language be provided on all invitations to events?
- A.** No. Only invitations to an event at which an official will receive a reportable gift. Officials must report gifts aggregating \$50 or more in a calendar year from a single source.
- Q.** When a lobbyist employer makes a gift of \$50 or more to the spouse of a legislator, is the lobbyist employer required to send the gift notification?
- A.** The notice is not required unless the legislator's spouse is a state officeholder, state candidate, or state agency official of an agency lobbied by the filer.
- Q.** May an official and spouse spend a weekend at the vacation home of a lobbyist when the lobbyist does not stay at the house the entire weekend?
- A.** No. The time the lobbyist does not stay with the official is considered a gift from the lobbyist and subject to the \$10 gift limit. Since the value of the use of the house exceeds the \$10 gift limit, the lobbyist is prohibited from permitting the official's use of the vacation home without the lobbyist or a member of the lobbyist's immediate family present.
- Q.** May a trade association provide a T-shirt, valued at \$10, to a public official who gives a speech at the association's annual conference?
- A.** Yes. Regulation 18950.3 provides that a non-cash, nominal benefit such as a coffee mug, T-shirt, pen, etc., may be provided to an official attending an event when the official gives a speech, participates in a panel or seminar, or provides a similar service. The item is not reportable or subject to the \$10 or \$290 (\$300—effective 1/99) gift limits. The regulation is intended to provide an official the opportunity to accept a nominal item for his/her services.
- Q.** If a lobbyist pays for a reportable person's meal and within 30 days is reimbursed by the person for the full amount of the meal, must the lobbyist disclose the meal as an activity expense?
- A.** No. As long as reimbursement occurs within 30 days, the lobbyist is not required to disclose the activity.
- Q.** May a lobbyist, who is acting in his/her capacity as the executive director of an association, make or arrange a gift benefitting an official of more than \$10?
- A.** No. No matter what other position a lobbyist holds, the gift limit and the prohibition against making or arranging gifts over \$10 apply.

- Q.** May a lobbyist take an official to lunch and pay for the lunch with personal funds without regard to the \$10 gift limit?
- A.** No. Unless the lobbyist and the official are family members, or are in a “bona fide dating relationship,” the lobbyist may not provide a gift to an official of more than \$10 within a calendar month, even if the lobbyist pays for the gift from personal funds and will not be reimbursed by his or her employer.
- Q.** May a lobbyist take an official to lunch and pay more than \$10 if the official buys the lobbyist’s lunch the next time they meet?
- A.** No. There is no provision in the law for reciprocating or exchanging gifts with a lobbyist.

6. Quarterly Disclosure Reports

Form 615

LOBBYIST REPORT, FORM 615

Each lobbyist must complete a Lobbyist Report, Form 615, for each calendar quarter, regardless of the lobbyist's level of activity, and whether or not the lobbyist has received or made any payments during the calendar quarter. The completed Form 615 must be submitted to the lobbyist's employer for attachment to the employer's Form 635 or to the lobbyist's firm for attachment to the lobbying firm's Form 625 within two weeks following the end of each calendar quarter for filing with the Secretary of State.

A lobbyist is required to keep records and substantiating documents for a period of four years following the date the activities were reported.


Instructions For Completing Form 615-Reporting Period: The report being filed must always cover the entire calendar quarter.

Example: *Emily Browski qualified as a lobbyist on May 1, 1999. Ms. Browski must report 4/1/99 through 6/30/99 as the period covered on her first Form 615.*

List the name, business address, and telephone number of the lobbyist. Also, list the name of the lobbying firm or lobbyist employer/lobbying coalition. The name of the firm or lobbyist employer/lobbying coalition must be the name disclosed on the firm's or lobbyist employer/lobbying coalition's registration statement.

Part I - Activity Expenses Paid, Incurred, Arranged, or Provided by the Lobbyist: An activity expense is any payment which benefits, in whole or in part, an elected state officer, a legislative official, a state agency official, a state candidate, or a member of the immediate family of such an official or candidate. This manual refers to such individuals as "reportable persons."

A payment which benefits an "agency official" or a member of an agency official's immediate family is an activity expense only if the agency which employs the official is, or should be, listed on the registration statement filed by the lobbyist's lobbying firm or lobbyist employer/lobbying coalition. However, all payments which benefit an elected state officer, a legislative official, a state candidate, or a member of the immediate family of such an official or candidate are activity expenses, whether or not lobbying occurs.

LOBBYIST REPORT (Government Code Section 86113)					PAGE <u>1</u> OF <u>2</u>
 FORM 615 1990	REPORT COVERS PERIOD FROM <u>4/1/99</u> THROUGH <u>6/30/99</u>				
	IMPORTANT: This report is to be completed by the lobbyist and attached to the Report of Lobbying Firm (Form 625) or Report of Lobbyist Employer/Report of Lobbying Coalition (Form 635), whichever is applicable.				
TYPE OR PRINT IN INK					
For information required to be provided to you pursuant to the Information Practices Act of 1977, see <u>Information Manual on Lobbying Disclosure Provisions of the Political Reform Act.</u>					
NAME: (Last)	(First)	(M.I.)			
Browski	Emily	A			
NAME OF FIRM, EMPLOYER, OR COALITION:					
Beyer and Bennett					
BUSINESS ADDRESS: (Number and Street)	(City)	(State)	(Zip Code)	TELEPHONE NUMBER:	
900 State Street	Sacramento	CA	95814	(916) 555-9800	
MAILING ADDRESS: (If different than above)					
P.O. Box 1500 Sacramento CA 95804					

Form 615 - Cont'd

Activity expenses include gifts (e.g., food, beverage, candy, flowers) and compensation (e.g., consulting fees, salaries) which benefit reportable persons. Refer to Section 5 for important information regarding activity expenses.

If the lobbyist has not paid, incurred, or arranged an activity expense during the quarter, check the box to indicate that there is nothing to report.

Itemize all "activity expenses" arranged or incurred by the lobbyist, and report them during the calendar quarter in which they occurred, regardless of whether they were actually paid during the calendar quarter. Do not attach copies of invoices, credit card receipts, or checks to the statement. Such documents should be kept in the recordkeeping file.

An activity expense reported on a previous quarterly report as incurred need not be reported again when actual payment is made.

Date: Enter the date the activity expense was incurred.

Name and Address of Payee: List the name and address of the vendor or other person to whom payment was made or incurred. If charged on a credit card, list the name of the credit card company and the name and address of the vendor which received the payment.

Name and Official Position of Reportable Persons and Amount Benefiting Each: List the name and official position, if any, of each reportable person who benefited from the activity expense. Do not list any individual who is not a reportable person. However, your records must indicate the total number of individuals who benefited.

Example: Lobbyist Emily Browksi took Senator Globe, Mrs. Globe and Harry Masters, a constituent, to lunch. Only Senator and Mrs. Globe are reportable persons and must be listed on Browksi's Form 615.

List the amount of benefit received by each reportable person. To determine the amount benefiting the reportable person(s), see Section 5.

Description of Consideration: Describe the goods or services received by the reportable person(s) (e.g., lunch, beverages, candy, etc.).

Total Amount of Activity: Enter the total amount paid, arranged, or incurred for the activity expense. The lobbyist is required to report the total amount he/she paid or incurred which benefited the reportable and non-reportable person(s). When an activity expense is shared, list the amount paid by the lobbyist in this column. Indicate in a note the total cost of the activity expense and the percentage paid by the lobbyist.

PART I - ACTIVITY EXPENSES PAID, INCURRED, ARRANGED OR PROVIDED BY THE LOBBYIST (See definitions and instructions on reverse.)

☐ I have reviewed the form and instructions for reporting Activity Expenses and I have nothing to report.

Date	Name and Address of Payee	Name and Official Position of Reportable Persons and Amount Benefiting Each		Description of Consideration	Total Amount of Activity
5/15/99	Gold Run Sidewalk Cafe 10 State Avenue Sacramento, CA	Senator Globe Mrs. Globe	\$ \$7.50 \$7.50	Lunch	\$ \$25.00
6/20/99	Sunshine Donuts 100 Broadway Blvd. Sacramento, CA	Sam Honors, Chief of Staff, Governor's Office	\$3.10	Breakfast	\$11.03

Verification: The report must be verified and signed by the lobbyist. If the lobbyist is not available to sign the report on or before the filing deadline, an agent of the lobbyist may sign the report. The agent must attach a note stating that, as soon as the lobbyist is available, he/she will verify and sign the report and an amendment with the proper signature will be filed.

An unsigned statement is not considered filed and is subject to a \$10 per day late fine.

Part II - Campaign Contributions Made or Delivered:

Disclose all monetary and non-monetary campaign contributions made during the calendar quarter which total \$100 or more in a calendar year to elected state officers, state candidates, and **all** committees (except political parties or general purpose committees) regardless of the jurisdiction, that are controlled or primarily formed to support such officers or candidates which are:

- ♦ Made from a lobbyist's personal funds; or
- ♦ Made from a fund the lobbyist directs or controls; or
- ♦ Personally delivered by the lobbyist. However, contributions delivered for a lobbyist employer or another person need not be reported unless the lobbyist hands the contribution to the candidate or officeholder or to the treasurer or agent in the presence and with the knowledge of the candidate or officeholder.

Examples:

Lobbyist Emily Browksi made a contribution from her personal funds to State Senator Nation's federal committee for U.S. Congress. Because Nation is an elected state officer, Browksi must report the contribution on her Form 615.

PART II - CAMPAIGN CONTRIBUTIONS MADE OR DELIVERED (See instructions on reverse.)

I have reviewed the form and instructions for reporting Campaign Contributions Made or Delivered and:

☒ Part II has been completed and is attached.

☐ I have nothing to report.

VERIFICATION			
I have used all reasonable diligence in preparing this Report. I have reviewed the Report and to the best of my knowledge the information contained herein and in the attached schedules is true and complete.			
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
C	EXECUTED ON (DATE)	AT (CITY AND STATE)	BY (SIGNATURE OF LOBBYIST)
D	7/2/99	Sacramento, CA	(Signature Required)
E			
F			

PAGE <u>3</u> OF <u>3</u>				
NAME OF LOBBYIST: <u>Emily Browksi</u>			PERIOD COVERED: <u>4/1/99 - 6/30/99</u>	
PART II - CAMPAIGN CONTRIBUTIONS MADE OR DELIVERED				
Disclose all monetary and non-monetary campaign contributions of \$100 or more made from your personal funds during the quarter, or from a separate account under your control, to state candidates, elected state officers, their controlled committees, or committees primarily formed to support such officers or candidates, or delivered in person by you to state candidates or elected state officers.				
Date	Name of Contributor (If other than Lobbyist)	Name of Separate Account (If applicable)	Name of Recipient (If Committee, also enter I.D. Number)	Amount
6/29			State Senator Nation for U.S. Congress C000102	\$ \$100
<div style="border: 1px solid black; padding: 5px; text-align: center;"> This personal contribution must be reported because Nation is a state <u>officeholder</u> who is running for federal office. </div>				
NOTE: Disclosure in this report does not relieve a filer of any obligation to file campaign disclosure statements required by Gov. Code Section 84200, et seq.				

On behalf of his employer, lobbyist Benny Bedington personally handed Assemblyman Dylan a contribution for the Committee for Bluer Skies, Yes on Proposition 1001, controlled by Assemblyman Dylan. Bedington must report the contribution on his Form 615.

Contribution limits do not apply to state officeholders/candidates unless they are involved in a special election.

Contributions may not be personally delivered in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent. The only exception to this prohibition is a legislative district office. "Personally deliver" includes the delivery of a copy or facsimile of a contribution, and the original or a copy of a contribution transmittal letter. "Personally deliver" does not include contributions sent through the mail.

For each contribution you must report the:

- ◆ Date of the contribution;
- ◆ Name of the contributor if other than the lobbyist;
- ◆ Name of the separate account, if applicable;
- ◆ Name of the recipient of the contribution;
- ◆ Identification number, if the recipient is a committee; and
- ◆ Amount of the contribution.

To amend information disclosed on a Lobbyist Report, Form 615, file an Amendment to Lobbying Disclosure Report, Form 690. See page 74.

Questions and Answers

- Q.** When a lobbyist has lunch with a reportable person and the reportable person pays for his/her own lunch, must the lobbyist report the lunch as an activity expense?
- A.** No. The reportable person has not received a gift because he/she paid for his/her own lunch.
- Q.** May an individual contract lobbyist file reports as a lobbying firm and also as an employee lobbyist for another lobbying firm?
- A.** No. The lobbyist must file reports as a single lobbying firm. Clients of the other lobbying firm must be reported as subcontracted clients.

- Q.** May a lobbyist send a letter to a legislator's Capitol office stating that a campaign contribution will be delivered to the legislator? May the lobbyist telephone the legislator's office with this information?
- A.** The Act prohibits the personal delivery of a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent. The only exception to this prohibition is a legislative district office. Personal delivery includes the delivery of a copy or facsimile of a contribution and the original or a copy of a contribution transmittal letter. Personal delivery does not include contributions sent through the mail. The lobbyist may provide information concerning the contribution over the telephone.
- Q.** May a lobbyist be the treasurer for a campaign committee?
- A.** Yes. There is no restriction on who can be a committee treasurer. However, as treasurer of the committee, the lobbyist may be required to report contributions made by the committee to state officeholders, state candidates, or their controlled committees on his/her Lobbyist Report, Form 615.

REPORT OF LOBBYING FIRM, FORM 625

The Report of Lobbying Firm, Form 625, must be filed for each calendar quarter whether or not the lobbying firm has received or made any payments during the calendar quarter.

The lobbying firm must attach to its Form 625 a Lobbyist Report, Form 615, completed by each partner, owner, officer, or employee of the lobbying firm who qualifies as a lobbyist. A lobbying firm which is a member of a lobbying coalition must complete and attach Payments Made to Lobbying Coalitions, Form 630, to its quarterly Form 625.

Lobbying firms are prohibited from making or arranging any gift(s) of more than \$10 in a calendar month which benefits any elected state officer, legislative official, state candidate, or official of a state agency the firm lobbies and from acting as an agent or intermediary in the making of any such gift.


Instructions For Completing Form 625 -

Reporting Period: The report always covers the entire calendar quarter. The "cumulative period" begins January 1 of the biennial legislative session covered by the report. (Legislative session begin in odd-numbered years.)

Exception: When a person qualifies as a lobbying firm after the first quarter of the current legislative session, the cumulative period begins with the first day of the calendar quarter in which the lobbying firm qualified.

Example: The firm of Beyer and Bennett qualified as a lobbying firm on May 1, 1999. The cumulative period is April 1, 1999, for all reports filed during the current legislative session.

List the name, business address, mailing address if different than business address, and telephone number of the lobbying firm. The name of the lobbying firm must be the name disclosed on the lobbying firm's registration statement.

<div style="text-align: center;">  REPORT OF LOBBYING FIRM (Government Code Section 86114) </div>					FOR OFFICIAL USE ONLY A B
REPORT COVERS PERIOD FROM <u>7/1/99</u> THROUGH <u>9/30/99</u> CUMULATIVE PERIOD BEGINNING <u>4/1/99</u>					
TYPE OR PRINT IN INK					
For information required to be provided to you pursuant to the Information Practices Act of 1977, see <u>Information Manual on Lobbying Disclosure Provisions of the Political Reform Act</u> .					
NAME OF LOBBYING FIRM: Beyer and Bennett					
BUSINESS ADDRESS: (Number and Street) 900 State Street		(City) Sacramento	(State) CA	(Zip Code) 95814	TELEPHONE NUMBER: (916) 555-9800
MAILING ADDRESS: (If different than above) P.O. Box 1500 Sacramento CA 95804					
PART I - (Read the instructions on the reverse before completing this section. Then, check <u>one</u> of the boxes below and complete Part I.)					
<input checked="" type="checkbox"/> PARTNERS, OWNERS, OFFICERS, OR EMPLOYEES WHOSE "LOBBYIST REPORTS" (FORM 615) ARE ATTACHED TO THIS REPORT <u>OR</u>					
<input type="checkbox"/> PARTNERS, OWNERS, OFFICERS, OR EMPLOYEES WHO ENGAGED IN DIRECT COMMUNICATION ON AT LEAST FIVE SEPARATE OCCASIONS DURING THE PERIOD					
Emily Browski					
Robert Beyer					
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.					

Part I - Lobbyists/Partners, Owners, Officers, and Employees Who Engaged in Direct Communication: List each lobbyist whose Form 615 is attached. Do not include lobbyists who are registered separately as lobbying firms.

If no partner, owner, officer, or employee of the firm qualifies as a lobbyist, list the name and title of each partner, owner, officer, or employee of the lobbying firm who, on at least five separate occasions during the quarter, engaged in direct communication with any elected state official, legislative official, or agency official for the purpose of influencing legislative or administrative action. Do not include employees whose actions were solely clerical.

Summary of Payments This Period: Line A, Grand Total Payments Received: Enter the total amount of all payments received during the calendar quarter from Part II, Payments Received in Connection with Lobbying Activity.


Line B, Total Activity Expenses: Enter the total amount of all activity expenses disclosed on Part III, Section A, Line 3.

Line C, Total Payments to Other Lobbying Firms: Enter the total payments made during the calendar quarter to all other lobbying firms, Part III, Section B.

Line D, Grand Total Payments Made: Add Line B and Line C and enter the total on Line D.

Line E, Campaign Contributions Made: If the lobbying firm made campaign contributions during the calendar quarter, check the box and complete Part IV. If the lobbying firm did not make campaign contributions, check the box "None This Period."

Line F, Is the Firm a Member of a Lobbying Coalition?: Check the applicable box.

 **Verification:** The report must be verified and signed by the individual who is designated on the lobbying firm's registration statement as the responsible officer of the lobbying firm. If the responsible officer is not available to sign the report on or before the

filing deadline, a responsible officer of the lobbying firm or an attorney or certified public accountant may sign the report. An explanatory note must be attached stating that, as soon as the responsible officer is available, he/she will file an amendment with the proper signature.

An unsigned statement is not considered filed and is subject to a \$10 per day late fine.

SUMMARY OF PAYMENTS THIS PERIOD		
<p>A. GRAND TOTAL PAYMENTS RECEIVED: \$ <u>3,575</u> (From Subtotals in Part II)</p> <hr/> <p>B. TOTAL ACTIVITY EXPENSES: \$ <u>55</u> (From Part III, Section A, 3)</p> <hr/> <p>C. TOTAL PAYMENTS TO OTHER LOBBYING FIRMS: \$ <u>1,200</u> (From Part III, Section B)</p> <hr/> <p>D. GRAND TOTAL PAYMENTS MADE: \$ <u>1,255</u> (B + C, above)</p>	<p>E. CAMPAIGN CONTRIBUTIONS MADE:</p> <p><input type="checkbox"/> None This Period <input checked="" type="checkbox"/> Part IV Completed and Attached</p> <hr/> <p>F. IS THE FIRM A MEMBER OF A LOBBYING COALITION?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Complete and attach Form 630)</p>	

VERIFICATION		
<p>I have used all reasonable diligence in preparing this Report. I have reviewed the Report and to the best of my knowledge the information contained herein and in the attached schedules is true and complete.</p> <p>I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>		
<p>Executed on (Date)</p> <p style="text-align: center;">10/25/99</p>	<p>At (City and State)</p> <p style="text-align: center;">Sacramento, CA</p>	<p>By (Signature of Responsible Officer)</p> <p style="text-align: center;">(Signature Required)</p>
<p>Name of Responsible Officer (Type or Print)</p> <p style="text-align: center;">Robert Beyer</p>		<p>Title</p> <p style="text-align: center;">Partner</p>

Part II - Payments Received in Connection With Lobbying Activity: List the name, address, and telephone number of each lobbyist employer/lobbying coalition on whose behalf the lobbying firm is registered to lobby whether or not the firm has received a payment from the client during the calendar quarter.

If a payment is received from another person on behalf of the client, provide both names and addresses and indicate the person is acting as an intermediary.

Legislative or State Agency Administrative Actions "Actively" Lobbied: List the legislative bill number or state agency administrative regulation number of each legislative or

administrative action which the lobbying firm "actively" influenced or attempted to influence on behalf of the client during the calendar quarter. When listing state administrative actions, provide the name of the state agency or department. In lieu of bill numbers and regulation numbers, a specific description of each legislative or administrative action actively lobbied during the quarter may be provided.

"Actively" lobbied means that an individual of the lobbying firm either engaged in direct communication, or was directed by a client/lobbyist employer to engage in direct communication, with a qualifying official for the purpose of influencing legislative or administrative action during the calendar quarter.

"Actively" lobbied includes, but is not limited to:

- ♦ Public testimony
- ♦ A personal contact
- ♦ A phone call; or
- ♦ A letter or other form of written communication (e.g., fax, telegram, e-mail).

Do not list bills or administrative actions which:

- ♦ Have died prior to the reporting period;
- ♦ Are only being watched or monitored; or
- ♦ The lobbying firm has not attempted to influence during the calendar quarter.

Fees and Retainers: For each client which has authorized the firm to lobby on its behalf, list the total amount of fees and retainers received during the calendar quarter for lobbying services, including but not limited to:

- ♦ Engaging in direct communication;

PAGE <u>2</u> OF <u>4</u>	
NAME OF LOBBYING FIRM: <u>Beyer and Bennett</u> PERIOD COVERED: <u>7/1/99 - 9/30/99</u>	
PART II - PAYMENTS RECEIVED IN CONNECTION WITH LOBBYING ACTIVITY (Amounts may be rounded off to whole dollars. See instructions on reverse.)	
Employer's Name, Address and Telephone Number Assn. of Computer Chip Manufacturers 307 Sampson Drive Santa Clara, CA 93015 (510) 524-0009	
Legislative or State Agency Administrative Actions "Actively" Lobbied During the Period. (See instructions on reverse.) SB 159, AB 04	
Fees and Retainers	Reimbursements of Expenses
\$ 2,500	\$ 175*
Advances or Other Payments (attach explanation)	
\$ 0	
Total This Period	Cumulative Total to Date
\$ 2,675	\$ 4,675
Employer's Name, Address and Telephone Number Child Care Providers of CA 7925 Candy Lane Circle Santa Clara, CA 90573 (415) 972-0501	
Legislative or State Agency Administrative Actions "Actively" Lobbied During the Period. (See instructions on reverse.) Dept. of Social Services re: limiting the number of daycare center for state agencies	
Fees and Retainers	Reimbursements of Expenses
\$ 0	\$ 0
Advances or Other Payments (attach explanation)	
\$ 0	
Total This Period	Cumulative Total to Date
\$ 0	\$ 3,500
Employer's Name, Address and Telephone Number Governmental Communications 2005 Bill Road Sacramento, CA 95814 (916) 555-0108	
On behalf of: Alliance for Public Schools 1703 10th Street, #1108 Sacramento, CA 95814 (916) 555-9178	
Legislative or State Agency Administrative Actions "Actively" Lobbied During the Period. (See instructions on reverse.) AB 78, Dept. of Education Regulation #2359	
Fees and Retainers	Reimbursements of Expenses
\$ 900	\$ 0
Advances or Other Payments (attach explanation)	
\$ 0	
Total This Period	Cumulative Total to Date
\$ 900	\$ 2,700
SUBTOTAL	
\$ 3,575	


☐ If more space is needed, check box and attach continuation sheets.

*For services performed during 4/1/99 - 6/30/99.

- ♦ Researching, monitoring, analyzing, or drafting statutes, regulations, or pending or proposed legislative or administrative actions; and
- ♦ Providing advice or recommending strategy concerning pending or proposed legislative or administrative actions.

For information clarifying when payments received by a lobbying firm are reportable as payments for “lobbying services,” see Regulation 18614, Appendix B.

Report fees and retainers during the quarter received. If the payment is received for services provided in a prior quarter, in a footnote indicate which calendar quarter the services were provided.

 A lobbying firm must retroactively report initiative-related and legislative-related payments (e.g., bill monitoring) if, within one year of receiving such payments, the firm is authorized to lobby on the same or substantially the same matter. The nature of the payment and the date the firm was authorized to lobby must be noted.

If a lobbying firm also provides other services (e.g., legal services), only report payments for lobbying related activities. See Regulation 18614, Appendix B for more information.

Reimbursement of Expenses: List any reimbursement received during the calendar quarter for the lobbying firm’s expenses. If the reimbursement is received for expenses incurred in a prior quarter, in a footnote indicate which calendar quarter the expenses were incurred.

Advances or Other Payments: List any advances or other payments received during the calendar quarter (e.g., receipt of goods, services, or facilities from a client). Attach an explanation of any payment or other receipt reported in Advances or Other Payments.

Total This Period: Report the total amount received from each lobbyist employer/lobbying coalition during the calendar quarter. Enter the

total of all payments received during the period on the “Summary of Payments” section on Page 1, Line A.

Cumulative Total To Date: Report the cumulative amount received for lobbying services from each lobbyist employer/lobbying coalition since January 1 of the biennial legislative session covered by the report.

Exception: When a person qualifies as a lobbying firm after the first quarter of the current legislative session, the cumulative period begins with the first day of the calendar quarter in which the lobbying firm qualified.

Part III - Payments Made in Connection With Lobbying Activities - Section A. 1: Activity Expenses Arranged, Incurred, or Paid by the Lobbying Firm (Other Than Those Paid or Incurred by a Lobbyist): An activity expense is any payment which benefits, in whole or in part, an elected state officer, a legislative official, a state agency official, a state candidate, or a member of the immediate family of such an official or candidate. This manual refers to such individuals as “reportable persons.”

A payment which benefits an “agency official” or a member of an agency official’s immediate family is an activity expense only if the agency which employs the official is, or should be, listed on the registration statement filed by the lobbying firm. However, all payments which benefit an elected state officer, a legislative official, a state candidate, or a member of the immediate family of such an official or candidate are activity expenses, whether or not lobbying occurs.

Activity expenses include gifts (e.g., food, beverage, candy, flowers) and compensation (e.g., consulting fees, salaries) which benefit reportable persons.

Itemize all activity expenses which were incurred or arranged by the lobbying firm, including those which have been or will be reimbursed by a lobbyist employer/lobbying coalition which contracts with the lobbying firm. Report them during the calendar quarter in which they occurred, regardless of whether they were actually paid during the calendar quarter. Do not attach copies of invoices, credit card receipts, or checks to the statement. Such documents should be kept in the recordkeeping file.

An activity expense reported on a previous quarterly report as incurred need not be reported again when actual payment is made.

Do not itemize activity expenses paid or incurred by a salaried lobbyist which were merely reimbursed by or charged to an account paid by the firm. The lobbyist must itemize such expenses on his/her Form 615. The lobbying firm must report such reimbursements in Section A.2.

Date: Enter the date the activity expense was incurred.

Name and Address of Payee:

List the name and address of the vendor or other person to whom payment was made or incurred. If charged to a credit card, list the name of the credit card company and the name and address of the vendor which received the payment.

Name and Official Position of Reportable Persons and Amount Benefiting Each: List the name and official position, if any, of each reportable person who benefited from the activity expense. Do not list any individual who is not a reportable person. However, your records must indicate the total number of individuals who benefited.

Example: Tom Madera is not a registered lobbyist. He is an executive assistant with the Law Firm of Beyer and Bennett, a lobbying firm. Madera took Assemblywoman Poll, her spouse, and Vernon Stable, a client of the lobbying firm, to lunch. Because Assemblywoman Poll and her spouse are reportable persons, the event is an activity expense. Only Assemblywoman Poll and her spouse must be identified on the lobbying firm's Form 625.

List the amount of benefit received by each reportable person. To determine the amount benefiting the reportable person(s), see Section 5.

Description of Consideration: Describe the goods or services received by the reportable person(s) (e.g., lunch, beverages, candy, etc.).

Total Amount of Activity: Enter the total amount paid, arranged, or incurred for the activity expense. The lobbying firm is required to report the total amount it paid or incurred which benefited the reportable and non-reportable person(s). When an activity expense is shared, list the lobbying firm's payment. Indicate in a note the total cost of the activity expense and the percentage paid by the lobbying firm.

PAGE <u>3</u> OF <u>4</u>					
NAME OF LOBBYING FIRM: <u>Beyer and Bennett</u>				PERIOD COVERED: <u>7/1/99 - 9/30/99</u>	
PART III - PAYMENTS MADE IN CONNECTION WITH LOBBYING ACTIVITIES					
SECTION A: ACTIVITY EXPENSES (See instructions on reverse.)					
1. ACTIVITY EXPENSES ARRANGED, INCURRED, OR PAID BY THE LOBBYING FIRM (OTHER THAN THOSE PAID OR INCURRED BY A LOBBYIST)					
Date	Name and Address of Payee	Name and Official Position of Reportable Persons and Amount Benefiting Each	Description of Consideration	Total Amount of Activity	
8/16	Roundtable Cafe 860 California Street Sacramento, CA	Assemblywoman Melissa Poll Mr. Poll	\$ 10 10	Breakfast	\$ 40
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets					TOTAL SECTION A.1. (Include all subtotals from Continuation Sheets) \$ 40

Section A.2: Total Activity Expenses Paid, Incurred, or Arranged by All Lobbyists Employed by the Lobbying Firm Which Have Been or Will Be Reimbursed or Paid by the Firm:

Enter the lump sum amount of all activity expenses which were paid, incurred, or arranged during the quarter by all lobbyists of the lobbying firm which have been or will be reimbursed or paid by the lobbying firm. These activity expenses are itemized on each lobbyist's Form 615.

***Example:** At a breakfast meeting with a Health Department official, lobbyist Browksi charged the coffee and rolls on her personal credit card. The lobbyist must itemize the activity expense on her Form 615 and the lobbying firm will report the reimbursement to the lobbyist in Section A.2 of its Form 625.*

- ♦ The name of the lobbyist employer/lobbying coalition for whom the subcontractor was retained to lobby.
- ♦ The total amount paid to the subcontractor during the period, including any amounts which were reimbursements of expenses incurred by the subcontractor.
- ♦ The cumulative amount paid to the subcontractor since January 1 of the biennial legislative session covered by the report.

Enter the total payments made during the period to subcontractors. Also enter the total of Section B in the "Summary of Payments" section on Page 1, Line C.

Section A-3: Total Activity Expenses: Enter the total of Section A. 1 and Section A.2.

Enter the total of Section A.3 in the "Summary of Payments This Period" section on Page 1, Line B.

Section B: Payments to Other Lobbying Firms: If the lobbying firm subcontracts with another lobbying firm, report:

- ♦ The full name, address, and telephone number of the subcontractor.

PAGE <u>4</u> OF <u>4</u>			
NAME OF LOBBYING FIRM: <u>Beyer and Bennett</u>	PERIOD COVERED: <u>7/1/99 - 9/30/99</u>		
PART III - PAYMENTS MADE (Continued)			
SECTION B: PAYMENTS MADE TO OTHER LOBBYING FIRMS			
Name, Address and Telephone Number of Firm Contracted With	Name of Employer or Client for Whom Subcontractor was Retained to Lobby	Amount This Period	Cumulative Total to Date
Howell, Smith & Jones 2000 West Mission Los Angeles, CA 90021 (213) 560-0001	Assn. of Computer Chip Manufacturers	\$ 1,200	\$ 2,400
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.		TOTAL PAYMENTS (Include all subtotals from continuation sheets)	\$ 1,200

Part IV - Campaign Contributions Made:

Disclose all monetary and non-monetary campaign contributions made by the lobbying firm during the calendar quarter which total \$100 or more to elected state officers, state candidates, and **all** committees (except contributions to political parties or general purpose committees.) regardless of the jurisdiction, that are controlled by or primarily formed to support such officers or candidates.

Example: *Beyer and Bennett made a contribution to the Committee to Save Endangered Beaches, Yes on Proposition 2001, controlled by Assemblyman Bob Guernsey. Beyer and Bennett must report the contribution on its Form 625.*

Contribution limits do not apply to state officeholders/candidates unless they are involved in a special election.

Contributions may not be personally delivered in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent. The only exception to this prohibition is a legislative district office. "Personally deliver" includes the delivery of a copy or facsimile of a contribution, and the original or a copy of a contribution transmittal letter. "Personally deliver" does not include contributions sent through the mail.

Section A: If all of the contributions made by the lobbying firm during the calendar quarter, or made by the lobbying firm's sponsored committee, are reported on a campaign disclosure statement required under Government Code Section 84200 et seq. (e.g., Form 420) which is on file

with the Secretary of State, identify the name of the committee and, if applicable, the committee's identification number. It is not necessary to complete Section B.

Section B: If Section A is not applicable, for each contribution report the:

- ◆ Date of the contribution;
- ◆ Name of the recipient of the contribution;
- ◆ Identification number of the recipient of the contribution if the recipient is a committee; and
- ◆ Amount of the contribution.

To amend information disclosed on a Report of Lobbying Firm, Form 625, file an Amendment to Lobbying Disclosure Report, Form 690.

PART IV - CAMPAIGN CONTRIBUTIONS MADE (Monetary and non-monetary campaign contributions of \$100 or more made to or on behalf of <u>state</u> candidates, elected state officers and any of their controlled committees, or committees supporting such candidates or officers must be reported in A or B below.)			
A. If the contributions made by you during the period covered by this report, or by a committee you sponsor, are contained in a campaign disclosure statement which is on file with the Secretary of State, report the name of the committee and its identification number, if any, below.			
Name of Major Donor or Recipient Committee Which Has Filed A Campaign Disclosure Statement: _____		Identification Number if Recipient Committee: _____	
B. Contributions of \$100 or more which have not been reported on a campaign disclosure statement, including contributions made by an organization's sponsored committee, must be itemized below.			
Date	Name of Recipient	I.D. Number if Committee	Amount
8/30	Comm. to Save Endangered Beaches, Yes on Prop. 2001	950023	\$ 1,200
<div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> This contribution must be reported because it is a controlled committee of Assemblyman Bob Guernsey. </div>			
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.			
NOTE: Disclosure in this report does not relieve a filer of any obligation to file the campaign disclosure statements required by Gov. Code Section 84200, et seq.			

Questions and Answers

- Q.** Is the responsible officer of the lobbying firm the only person who may sign the Report of Lobbying Firm, Form 625?
- A.** Yes. The report must be verified and signed by the individual who is designated on the lobbying firm's registration statement.
- Q.** Is a lobbying firm required to list lobbying clients that have not made payments to the firm during the calendar quarter covered by the report?
- A.** Yes. The lobbying firm must list the name, address, and telephone number of each of its clients on whose behalf the lobbying firm is registered to lobby, whether or not the firm has received a payment from the client.
- Q.** Must a lobbying firm report payments from clients contracting only for bill tracking services?
- A.** No. Lobbying firms are only required to report payments from persons who pay the firm to engage in direct communication for the purpose of influencing legislative or administrative action.
- Q.** When are fees and retainers reported?
- A.** A lobbying firm must report receipt of a client's payment on the report covering the calendar quarter in which the payment was received. If the payment was for services provided in a prior calendar quarter, indicate on the report the quarter in which services were provided.

REPORT OF LOBBYIST EMPLOYER AND REPORT OF LOBBYING COALITION, FORM 635

Form 635 is used by both lobbyist employers and lobbying coalitions. Form 635 must be filed for each calendar quarter whether or not the entity has made or received any payments during the calendar quarter. A lobbyist employer that contracts with more than one lobbying firm may not file a separate Form 635 for each firm. Only one Form 635 may be filed for each quarter.

The lobbyist employer/lobbying coalition must attach to its Form 635 a Lobbyist Report, Form 615, completed by each individual who qualifies as an in-house lobbyist. Do not attach a Form 615 for any lobbyist who is registered separately as a lobbying firm or who is employed by a lobbying firm.

If a lobbyist employer is a member of a lobbying coalition, it must attach to its Form 635 a Form 630, Payments Made to Lobbying Coalitions, disclosing payments made by the employer during the quarter to lobbying coalitions.

A lobbying coalition must attach to its Form 635 a Form 635-C, Payments Received by

Lobbying Coalitions, disclosing payments received from members of the coalition.

A lobbyist employer/lobbying coalition is required to keep records and substantiating documents for a period of four years following the date the activities were reported.

Instructions For Completing Form 635.

Check the box to indicate whether you are filing as a "Lobbyist Employer" or a "Lobbying Coalition."

Reporting Period: The report always covers the entire calendar quarter. The "cumulative period" begins January 1 of the biennial legislative session covered by the report. (Legislative sessions begin in odd-numbered years.)

Exception: When a person qualifies as a lobbyist employer/lobbying coalition after the first quarter of the current legislative session, the cumulative period begins with the first day of the calendar quarter in which the lobbyist employer/lobbying coalition qualified.

Example: *The Alliance for Public Schools qualified as a lobbyist employer on April 15, 1999. The alliance must report April 1, 1999, through June 30, 1999, as the period covered on its Form 635. The cumulative period is April 1, 1999, for all reports filed during the current legislative session.*

List the name, business address, and telephone number of the lobbyist employer/lobbying coalition. The name of the lobbyist employer/lobbying coalition must be the name disclosed on the employer/coalition's registration statement (Form 603) or authorization statement (Form 602), whichever is applicable.

<input type="checkbox"/> REPORT OF LOBBYIST EMPLOYER (Government Code Section 86116)		PAGE <u>1</u> OF <u>4</u>	
or			
<input checked="" type="checkbox"/> REPORT OF LOBBYING COALITION (2 Cal. Code of Regs. Section 18616.4)			
FORM 635 1993			
IMPORTANT: Lobbying Coalitions must attach a completed Form 635-C to this Report.			
REPORT COVERS PERIOD FROM <u>4/1/99</u> THROUGH <u>6/30/99</u>		FOR OFFICIAL USE ONLY	
CUMULATIVE PERIOD BEGINNING <u>4/1/99</u>		A	
TYPE OR PRINT IN INK		B	
<small>For information required to be provided to you pursuant to the Information Practices Act of 1977, see Information Manual on Lobbying Disclosure Provisions of the Political Reform Act.</small>			
NAME OF FILER: <u>Alliance for Public Schools</u>			
BUSINESS ADDRESS: (Number and Street)	(City)	(State)	(Zip Code)
<u>17035 Tenth Street, #1108</u>	<u>Sacramento</u>	<u>CA</u>	<u>95814</u>
TELEPHONE NUMBER:			
		<u>(916) 555-9178</u>	

Part I - Legislative or State Agency Administrative Actions Lobbied During The Period: List the legislative bill number or state agency administrative regulation number of each legislative or administrative action which the lobbyist employer/lobbying coalition "actively" influenced or attempted to influence during the calendar quarter. When listing state administrative actions, provide the name of the state agency or department. In lieu of bill numbers and regulation numbers, a specific description of each legislative or administrative action actively lobbied during the quarter may be provided.

"Actively" lobbied means that an in-house lobbyist or a lobbying firm with which the lobbyist employer/lobbying coalition has contracted, either has engaged in direct communication, or has been

directed to engage in direct communication, for the purpose of influencing the legislative or administrative issue during the calendar quarter.

"Actively" lobbied includes but is not limited to:

- ♦ Public testimony
- ♦ A personal contact
- ♦ A phone call; or
- ♦ A letter or other form of written communication (e.g., fax, telegram, e-mail).

Do not list bills or administrative actions which:

- ♦ Have died prior to the reporting period
- ♦ Are only being watched or monitored; or
- ♦ The lobbyist employer/lobbying coalition has not attempted to influence during the calendar quarter.

PART I - LEGISLATIVE OR STATE AGENCY ADMINISTRATIVE ACTIONS ACTIVELY LOBBIED DURING THE PERIOD
(See instructions on reverse.)

AB 78, Dept. of Education Regulation #2359

☐ If more space is needed, check box and attach continuation sheets.

Summary of Payments This Period: Line A, Total Payments to In-House Employee Lobbyists: Enter the total of all payments made in connection with lobbying activities during the calendar quarter to in-house lobbyists from Part III, Section A, Column 1.

Line B, Total Payments to Lobbying Firms: Enter the total of all payments made during the calendar quarter to lobbying firms from Part III, Section B, Column 4.

Line C, Total Activity Expenses: Report the total amount of activity expenses arranged or incurred during the calendar quarter from Part III, Section C.

Line D, Total Other Payments to Influence: Report the total amount from Part III, Section D of Form 635 or from Line 5 of Form 640, whichever is applicable.

Grand Total: Add Lines A, B, C, and D and enter the total amount of payments made during the calendar quarter.

Line E, Total Payments in Connection with PUC Activities: Report the lump sum amount of payments in connection with administrative testimony in ratemaking proceedings before the PUC from Part III, Section E.

Line F, Campaign Contributions: Check the box which indicates your campaign activities during the calendar quarter.

SUMMARY OF PAYMENTS THIS PERIOD


A. Total Payments to In-House Employee Lobbyists (Part III, Section A, Column 1)	\$	4,500
B. Total Payments to Lobbying Firms (Part III, Section B, Column 4)	\$	1,150
C. Total Activity Expenses (Part III, Section C)	\$	724
D. Total Other Payments to Influence (Part III, Section D)	\$	3,150
GRAND TOTAL (A + B + C + D above)	\$	9,524
E. Total Payments in Connection with PUC Activities (Part III, Section E)	\$	0
F. Campaign Contributions: <input checked="" type="checkbox"/> Part IV completed and attached <input type="checkbox"/> No campaign contributions made this period		

VERIFICATION

I have used all reasonable diligence in preparing this Report. I have reviewed the Report and to the best of my knowledge the information contained herein and in the attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on (Date) 7/7/99	At (City and State) Sacramento, CA	By (Signature of Employer or Responsible Officer) (Signature Required)
Name of Employer or Responsible Officer (Type or Print) Frank Harris		Title Executive Director

 **Verification:** The report must be verified and signed by the filer. In the case of a business entity or organization, the verification must be signed by any responsible officer, or by an attorney or a certified public accountant who acts as an agent for the entity or organization. The same individual is not required to sign all statements.

An unsigned report is not considered filed and is subject to a \$10 per day late fine.

PAGE 2 OF 4

NAME OF FILER: Alliance for Public Schools PERIOD COVERED: 4/1/99 - 6/30/99

PART II - PARTNERS, OWNERS, AND EMPLOYEES WHOSE "LOBBYIST REPORTS" (FORM 615) ARE ATTACHED TO THIS REPORT (See instructions on reverse.)

Name and Title	Name and Title
Tony Malone, Lobbyist	
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.	

Part II - Partners, Owners, Officers, and Employees Whose "Lobbyist Reports," Form 615, Are Attached To This Report: List the name of any partner, owner, officer, or employee who qualifies as a "lobbyist." Also attach a Lobbyist Report, Form 615, completed by that individual. Do not include lobbyists who are registered separately as lobbying firms or who are employed by a lobbying firm.

PART III - PAYMENTS MADE IN CONNECTION WITH LOBBYING ACTIVITIES

A. PAYMENTS TO IN-HOUSE EMPLOYEE LOBBYISTS (See instructions on reverse. Also enter the Amount This Period (Column 1) on Line A of the Summary of Payments section on page 1.)	(1) Amount This Period	(2) Cumulative Total To Date
	\$ 4,500	\$ 4,500

Part III - Payments Made in Connection With Lobbying Activities - Section A. Payments to In-House Lobbyists: In Column 1 of Part III, enter the total of all payments made in connection with lobbying activities during the calendar quarter to the in-house lobbyists listed in Part II of the report. In Column 2, enter the cumulative amount of payments to in-house lobbyists since January 1 of the biennial legislative session covered by the report.

Part III - Section A. - Continued

Reportable payments:

- ♦ Salaries. Salary includes gross wages paid, plus any fringe benefits which are in lieu of wages such as the granting of stock options or purchase of annuities.

Salary does not include routine fringe benefits, such as the employer’s contributions to a health plan, retirement plan, or payroll taxes.
- ♦ Reimbursements of expenses (including activity expenses).
- ♦ Advances for expenses or salary advances.
- ♦ Any other payments made directly to the lobbyist(s).

Notes:

- ♦ Do not include in Section A any payments made to lobbying firms, including individual contract lobbyists.
- ♦ Do not include payments made directly to a vendor for lobbying expenses of an in-house lobbyist (e.g., automobile lease agency, restaurant, credit card company, membership club). Such payments are reported under “Other Payments to Influence,” Part III, Section D. 2.
- ♦ If an in-house lobbyist also performs duties other than lobbying, only report the portion of his/her salary and expenses allocated to lobbying.

Enter the total of Section A in the “Summary of Payments This Period” section on Page 1, Line A.

Section B. Payments to Lobbying Firms (Including Individual Contract Lobbyists):

Disclose all payments to a lobbying firm for lobbying services, including fees and retainers, reimbursement of expenses, advances, or other payments. If a lobbying firm also provides other services, only report payments for lobbying related activities. See Regulation 18614 in Appendix B for more information. Also, report the cumulative amount of payments to the lobbying firm since January 1 of the biennial legislative session covered by the report.

Enter the total of Column 4 in the “Summary of Payments This Period” section on Page 1, Line B.


Important: List each lobbying firm authorized to lobby on your behalf, even if no payments to the firm have been made during the period covered by this report. If no payments have been made, identify the lobbying firm and enter zeros in the columns. The cumulative amount of payments made to the lobbying firm during the biennial legislative session must be entered in the “cumulative total to date” in Column 5.

B. PAYMENTS TO LOBBYING FIRMS (Including Individual Contract Lobbyists)					
Name and Address of Lobbying Firm/Independent Contractor	(1) Fees & Retainers	(2) Reimbursements of Expenses	(3) Advances or Other Payments (attach explanation)	(4) Total This Period	(5) Cumulative Total to Date
Governmental Communications 2005 Bill Road Sacramento, CA 95814	1,000	150	0	1,150	1,250
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.				TOTAL THIS PERIOD (Column 4) Also enter the total of Column 4 on Line B of the Summary of Payments section on page 1.	\$ 1,150 1,250

Section C. Activity Expenses: An activity expense is any payment which benefits, in whole or in part, an elected state officer, a legislative official, a state agency official, a state candidate, or a member of the immediate family of such an official or candidate. This manual refers to such individuals as “reportable persons.”

A payment that benefits an “agency official” or a member of an agency official’s immediate family is an activity expense only if the agency which employs the official is, or should be, listed on a registration statement. However, all payments that benefit an elected state officer, legislative official, a state candidate, or a member of the immediate family of such an official or candidate are activity expenses, whether or not lobbying occurs.

Activity expenses include gifts (e.g., food, beverage, candy, flowers) and compensation (e.g., consulting fees, salaries) which benefit reportable persons.

 Lobbyists are prohibited from making or arranging any gift(s) of more than \$10 in a calendar month which benefit an elected state officer, legislative official, state candidate, or an official of a state agency the lobbyist lobbies, and from acting as an agent or intermediary in the making of any such gift.

Lobbyist employers are prohibited from making any gift(s) of more than \$290 (\$300—effective 1/99) in a calendar year which benefit an elected state officer, legislative official, state candidate, or an official of a state agency. Exceptions to the gift limits are reviewed in Section 5.

Itemize all activity expenses which were paid, incurred, or arranged by the lobbyist employer/lobbying coalition. Report them during the calendar quarter in which they occurred, regardless of whether they were actually paid during the calendar quarter. Do not attach copies of invoices, credit card receipts, or checks to the statement. Such documents should be kept in the recordkeeping file.

An activity expense reported on a previous quarterly report as incurred need not be reported again when actual payment is made.

If the sponsored campaign committee of a lobbyist employer makes an activity expense, the committee reports the expenditure on its campaign statement and the lobbyist employer must report the payment as an activity expense on its Form 635.

***Example:** The PAC for California Dairy Association, a lobbyist employer, pays for a dinner for a legislative official and his spouse. The PAC reports the payment as an expenditure and the Dairy Association reports the payment as an activity expense on its Form 635.*

Do not list activity expenses paid or incurred by a salaried lobbyist which were merely reimbursed by or charged to an account paid by the lobbyist employer/lobbying coalition. Such activity expenses are identified on the lobbyist’s Form 615.

***Example:** At a lunch meeting with a Social Service Department official, in-house lobbyist McPherson charged sandwiches and beverages on his employer’s credit card. McPherson must itemize the activity expense on his Form 615. McPherson’s employer must include the payment in Section D “Other Payments” on the Form 635.*

The employer’s disclosure of reimbursements for expenses incurred by an in-house lobbyist depends upon how the expense is paid:

- ♦ If payment is made directly to the lobbyist, the amount is reported on the Form 635 in Part III, Section A.
- ♦ If the lobbyist charges an expense to an account for which a direct payment is made by the employer to the credit card company or vendor, the amount is reported on the Form 635 in Part III, Section D.

Form 635 - Cont'd

Date: Enter the date the activity expense was incurred.

Name and Address of Payee: List the name and address of the vendor or other person to whom payment was made or incurred. If charged to a credit card, list the name of the credit card company and the name and address of the vendor which received the payment.

Name and Official Position of Reportable Persons and Amount Benefiting Each: List the name and official position, if any, of each reportable person who benefited from the activity expense. Do not list any individual who is not a reportable

person. However, your records must indicate the total number of individuals who benefited.

Example: *Frank Harris is not a registered lobbyist. He is the Executive Director for the Alliance for Public Schools, a lobbying coalition. Harris took Senator Dan D. Lyon and the coalition's lobbyist, Tony Malone to lunch. Only the senator is a reportable person and must be listed on the coalition's Form 635.*

List the amount of benefit received by each reportable person. To determine the amount benefiting the reportable person(s), see Section 5.

Description of Consideration: Describe the goods or services received by the reportable person(s) (e.g., lunch, beverages, candy, etc.).

Total Amount of Activity:

Enter the total amount paid, arranged, or incurred for the activity expense. The lobbyist employer/lobbying coalition is required to report the total amount it paid or incurred which benefited the reportable and non-reportable person(s). When an activity expense is shared, list the lobbyist employer/lobbying coalition's payment. Indicate in a note the total cost of the activity expense and indicate that the cost was shared by others.

Enter the total of Section C in the "Summary of Payments This Period" section on Page 1, Line C.

PAGE <u>2</u> OF <u>4</u>				
NAME OF FILER: <u>Alliance for Public Schools</u>			PERIOD COVERED: <u>4/1/99 - 6/30/99</u>	
C. ACTIVITY EXPENSES (See instructions on reverse.)				
Date	Name and Address of Payee	Name and Official Position of Reportable Persons and Amount Benefiting Each	Description of Consideration	Total Amount of Activity
5/5/99	Grand Hotel 2001 Mission Street Sacramento, CA 95815	Senator Tim Whitney \$ 35 Mrs. Sally Whitney 35 Assemblyman Stevens 35 Mary Stevens 35	Reception	\$ 500*
5/27/99	Sacramento Jazz Festival 100 1st Street Sacramento, CA 95814	Mike Evans, Admin. Asst. to Assemblyman Chuck Wilson 75	3 Day Pass to Jazz Festival	75
6/8/99	Macy's 400 K Street Sacramento, CA 95814	Carol Franklin, Consultant, Dept. of Education 139.95 Steve Harding, Finance	Wedding Gift Expresso Maker	139.95
6/19/99	Lunch Box 800 First Street Sacramento, CA 95814	Senator Dan D. Lyon 9.05	Lunch	139.95
*Total cost: \$1,000 of which the Alliance paid 50%. For gift limit purposes, each reportable official received a gift of \$17.50 from the Alliance.				
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.				TOTAL SECTION C (Activity Expenses) Also enter the total of Section C on Line C of the Summary of Payments section on page 1. \$ 724

Section D. Other Payments to Influence Legislative or Administrative Action: (Governmental agencies must use Form 640 to complete this section, see page 65.) Report all other payments made in connection with the filer's attempts to influence legislative or administrative action.

"Other Payments" include:

- ◆ Payments made to a lobbying coalition;
- ◆ Compensation paid to employees who spend 10 percent or more of their compensated time in any one calendar month in connection with lobbying activities. This would include time spent by non-lobbyist employees engaging in or urging others to engage in direct communication, and providing research services and preparing materials to be used in direct communication or in connection with soliciting or urging others to engage in direct communication.

Compensation includes gross wages paid plus any benefits which are in lieu of wages (e.g., granting of stock options) or the purchase of annuities. It does not include routine fringe benefits, such as the employer's contributions to a health plan, retirement plan, or payroll taxes.

Exception: Compensation paid to an employee whose duties are solely clerical, manual, or are limited solely to the compilation of data or statistics is not required to be reported.

Examples:

Pattie Pinkerton, an employee of a lobbyist employer, spent 75% of her time performing secretarial duties for the lobbyist which included tracking the status of legislation and administrative regulations. She did not provide analytical support to the lobbyist. Ms. Pinkerton's salary is not reportable.

During the first quarter of 1999, Marvin Javin, an employee of a lobbyist employer,

spent 30% of his time preparing testimony for the lobbyist to present and 20% providing clerical services involving the employer's legislative program. Fifty percent of Javin's salary must be reported in the "Other Payments" section.

- ◆ The payment of expenses incurred by a lobbyist but not paid directly to the lobbyist (e.g., a direct payment to a credit card company);

D. OTHER PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION		
<input type="checkbox"/> NOTE: State and local government agencies do not complete this section. Check box and complete Attachment Form 640 instead.		
1. PAYMENTS TO LOBBYING COALITIONS (NOTE: You must attach a completed Form 630 to this Report.)	\$ <u>0</u>	
2. OTHER PAYMENTS	\$ <u>3,150</u>	
TOTAL SECTION D (1 + 2) Also enter the total of Section D on Line D of the Summary of Payments section on page 1.		\$ <u>3,150</u>

- ◆ The payment of expenses incurred for goods or services used by a lobbyist or used to support or assist a lobbyist in connection with his or her activities as a lobbyist, such as legislative bill service, periodicals, automobile lease;

Exception: It is not necessary to report the costs of "research" (e.g., books, surveys, studies, reports) which was undertaken for solely non-lobbying purposes even if the research is later used in lobbying-related communications.

- ◆ The payment of any other expenses which would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action, including office overhead and operating expenses, payments to expert witnesses, and expenses incurred by employees other than a lobbyist.


Example: *Tony Malone is the General Counsel of Alliance for Public Schools and its lobbyist. On one day he incurred travel expenses to attend a meeting at which two hours were spent on legislative business and two hours on non-legislative business. For reporting purposes, the travel expenses (transportation, lodging and subsistence) may be allocated between the legislative and non-legislative activities.*

- ♦ Payments in connection with soliciting or urging persons other than employees to enter into direct communication with a reportable person for the primary purpose of influencing legislative or administrative action.

***Example:** The Alliance for Public Schools sends a special mailing asking readers to call their legislators and request a “yes” vote on Assembly Bill 1010. Included in the mailing is also non-legislative material. For reporting purposes, any reasonable allocation method made in good faith may be used to determine the amount reported under “Other Payments.”*

A sample list of some of the types of payments which are reportable is provided in Chapter 8, Section E of this manual.

Enter the total of Section D in the “Summary of Payments” section on Page 1, Line D.

 A lobbyist employer must retroactively disclose in Section B payments made to a lobbying firm for initiative-related or legislative-related services (e.g. bill monitoring, drafting statutes) if, within one year of making such payments, the lobbyist employer authorizes the lobbying firm to lobby on the same or substantially the same matter. If the lobbyist employer had previously reported the payments as “Other Payments,” a note must indicate that the amount has been deducted from Section D, “Other Payments.”

Section E. Payments in Connection with Administrative Testimony in Proceedings Before the California Public Utilities Commission: Report payments made in

connection with administrative testimony in PUC regulatory proceedings in Section E, unless the payments are made to a lobbyist or lobbying firm.

A PUC regulatory proceeding means an application, complaint, investigation, rulemaking, alternative dispute resolution procedure in lieu of formal proceedings, and other formal proceedings sponsored by the PUC.

Regulation 18616 has limited the reporting of payments made in connection with administrative testimony in PUC regulatory proceedings to the following:

- ♦ Compensation paid to all attorneys for time spent appearing as counsel.
- ♦ Compensation paid to all witnesses for time spent testifying.

No other in-house expenses or overhead in connection with administrative testimony before the PUC are reportable. However, payments in connection with direct communication outside the regulatory proceedings may be reportable.

Payments made to a lobbyist or a lobbying firm in connection with PUC regulatory proceedings are reported in Part III, Section A or B, whichever is applicable.

Enter the total of Section E in the “Summary of Payments This Period” section on Page 1, Line E.

<p>E. PAYMENTS IN CONNECTION WITH ADMINISTRATIVE TESTIMONY IN RATEMAKING PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION Also, enter the total of Section E on Line E of the Summary of Payments section on page 1. (See instructions on reverse.)</p>	<p>\$ 0</p>
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Part IV - Campaign Contributions Made:

Disclose all monetary and non-monetary campaign contributions made by the lobbyist employer/lobbying coalition, or a committee sponsored by the lobbyist employer/lobbying coalition, during the calendar quarter which total \$100 or more to elected state officers, state candidates, and **all** committees (except political parties or general purpose committees) regardless of the jurisdiction, that are controlled by or primarily formed to support such officeholders or candidates.

Contribution limits do not apply to state officeholders/candidates unless they are involved in a special election.

Contributions may not be personally delivered in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent. The only exception to this prohibition is a legislative district office. "Personally deliver" includes the delivery of a copy or facsimile of a contribution, and the original or a copy of a contribution transmittal letter. "Personally deliver" does not include contributions sent through the mail.

Section A: If all of the contributions made by the lobbyist employer/lobbying coalition during the quarter, or by its sponsored committee, are reported on a campaign disclosure statement required under Government Code Section 84200 et seq. (e.g., Forms 420 or 461) which is on file with the Secretary of State, identify the name of the committee and, if applicable, the committee's identification number. It is not necessary to complete Section B.

Section B: If Section A is not applicable, for each contribution report the:

- ◆ Date of the contribution;
- ◆ Name of the recipient of the contribution;
- ◆ Identification number of the recipient of the contribution, if the recipient is a committee; and
- ◆ Amount of the contribution.

To amend information disclosed on a Report of Lobbyist Employer/Report of Lobbying Coalition, file an Amendment to Lobbying Disclosure Report, Form 690.

PAGE <u>3</u> OF <u>4</u>																																																									
NAME OF FILER: <u>Alliance for Public Schools</u>	PERIOD COVERED: <u>4/1/99 - 6/30/99</u>																																																								
<p>PART IV -- CAMPAIGN CONTRIBUTIONS MADE (Monetary and non-monetary campaign contributions of \$100 or more made to or on behalf of state candidates, elected state officers and any of their controlled committees, or committees supporting such candidates or officers must be reported in A or B below.)</p>																																																									
<p>A. If the contributions made by you during the period covered by this report, or by a committee you sponsor, are contained in a campaign disclosure statement which is on file with the Secretary of State, report the name of the committee and its identification number, if any, below.</p> <p>Name of Major Donor or Recipient Committee Which Has Filed A Campaign Disclosure Statement: <u>Save Our Public Schools</u> Identification Number if Recipient Committee: <u>952019</u></p>																																																									
<p>B. Contributions of \$100 or more which have not been reported on a campaign disclosure statement, including contributions made by an organization's sponsored committee, must be itemized below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Date</th> <th style="width: 50%;">Name of Recipient</th> <th style="width: 15%;">I.D. Number if Committee</th> <th style="width: 25%;">Amount</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">N/A</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		Date	Name of Recipient	I.D. Number if Committee	Amount		N/A		\$																																																
Date	Name of Recipient	I.D. Number if Committee	Amount																																																						
	N/A		\$																																																						
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.																																																									
<p><small>NOTE: Disclosure in this report does not relieve a filer of any obligation to file the campaign disclosure statements required by Gov. Code Section 84200, et seq.</small></p>																																																									

Questions and Answers

Q. Is a lobbyist employer also required to file Form 645 as a \$5,000 filer when the payments made by the lobbyist employer for the purpose of influencing legislative or administrative action exceed \$5,000 during the calendar quarter?

A. No. A lobbyist employer is only required to report its lobbying activity on Form 635.

Q. Who may sign the Report of Lobbyist Employer, Form 635?

A. A responsible officer of the lobbyist employer or an attorney or certified public accountant who acts as an agent of the lobbyist employer.

Q. Must a lobbyist employer itemize the activity expenses incurred or paid by its lobbyist?

A. No. However, if a lobbyist arranges any payment incurred by a lobbyist employer which benefits a reportable person, both the employer and the lobbyist must itemize the expense.

***Example:** In-house lobbyist Sally Jones personally invites a legislator to attend a breakfast meeting with her supervisor. Jones will not be attending the meeting. For disclosure purposes, because Jones arranged for the event, Jones must disclose the activity expense on her Form 615. In addition, the activity expense must be disclosed on her employer's Form 635. Because Jones arranged the meeting, the gift (e.g. food and beverage) may not exceed \$10.*

Q. Are campaign contributions made to federal or local officeholders/candidates required to be reported on the lobbying disclosure forms?

A. No. Only contributions made to state officeholders, state candidates, and their controlled committees are required to be reported. However, if a federal or local

officeholder/candidate is seeking election to a state office, a contribution of \$100 or more to any of the committees controlled by the officeholder/candidate must be reported on the lobbying forms.

Q. How does a lobbyist employer retroactively report payments made to a lobbying firm for legislative-related or initiative-related services, when the payments are made 12 months before the lobbying firm is authorized to lobby on behalf of the lobbyist employer?

A. On the report covering the period the lobbying firm is authorized to lobby, the lobbyist employer must note in Section B the date the lobbying firm was authorized to lobby and identify the nature of the previous payments (e.g., legislative-related or initiative-related services). If applicable, a note must indicate that the amount has been deducted from Section D, "Other Payments."

Q. If a lobbyist employer terminates all lobbying activity in the middle of a quarter, does the period covered on the statement continue through the end of the quarter?

A. No. The period covered on that statement ends the date the lobbyist employer terminates all lobbying activity (e.g., lobbyist employer terminates on 2/15/00). Period covered would be 1/1/99 through 2/15/00.

PAYMENTS MADE TO LOBBYING COALITIONS, FORM 630

A filer which is a member of a lobbying coalition must complete Form 630, Payments Made to Lobbying Coalitions, each quarter. The Form 630 must be attached to the filer's quarterly lobbying report.


Instructions For Completing Form 630.

Reporting Period: The period covered is the entire calendar quarter. The "cumulative period" begins with January 1 of the biennial legislative session covered by the report. (Legislative sessions begin in the odd-numbered years.)

Exception: When a person qualifies as a lobbying firm or lobbyist employer after the first quarter of the current legislative session, the cumulative period begins with the first day of the calendar quarter in which the lobbying firm or lobbyist employer qualified.


Name and Business Address of Lobbying Coalition Receiving Payments: Disclose the full name and business address of each lobbying coalition of which you are a member, whether or not you made payments to the coalition during the calendar quarter.

Amount This Period:* Disclose the total amount of payments made during the calendar

 If no payments were made to the coalition during the period covered by the report, enter the coalition's name and business address, enter zero in the "Amount Paid This Period" column, and provide the cumulative amount of payments made to the coalition since January 1 of the biennial legislative session.

quarter to each lobbying coalition of which you are a member.

Cumulative Amount: Disclose the total amount of payments made since January 1 of the biennial legislative session covered by the report to each lobbying coalition of which you are a member.

ATTACHMENT FORM 630 PAYMENTS MADE TO LOBBYING COALITIONS (Attachment to Form 625 or 635)		
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  FORM 630 1990 </div> <div> Period Covered <u>10/1/99</u> Through <u>12/31/99</u> Cumulative Period Beginning <u>1/1/99</u> </div> </div>		
Name of Lobbying Firm or Lobbyist Employer Making Payments: Motor Vehicle Safety Council		
Name and Business Address of Lobbying Coalition Receiving Payments	Amount Paid This Period	Cumulative Amount Paid Since January 1 of Biennial Legislative Session
Alliance for Transportation Funding 1020 Tenth Street Sacramento, CA 95814	\$ 1,000	\$ 1,000

PAYMENTS RECEIVED BY LOBBYING COALITIONS, FORM 635-C

A lobbying coalition must attach Form 635-C to its quarterly Form 635 to disclose payments received from members of the lobbying coalition.

Instructions For Completing Form 635-C.


Reporting Period: The period covered is the entire calendar quarter. The “cumulative period” begins with January 1 of biennial legislative session covered by the report. (Legislative sessions begin in odd-numbered years.)


Exception: When a person qualifies as a lobbying coalition after the first quarter of the current legislative session, the cumulative period begins with the first day of the calendar quarter in which the lobbying coalition qualified.

Name and Address of Coalition Members: Provide the full name and business address of each member of the coalition.

Amount Received This Period: Disclose the total amount of payments received from each member during the period covered by the report.

Cumulative Amount: Disclose the cumulative amount of payments received from each member since January 1 of the biennial legislative session covered by the report.

 If the coalition has not received a payment during the reporting period from a member of the coalition, enter the member’s name and business address, enter zero in the “Amount Received This Period” column, and provide the cumulative amount received from the member since January 1 of the biennial legislative session covered by the report.

ATTACHMENT FORM 635-C PAYMENTS RECEIVED BY LOBBYING COALITIONS (Attachment to Form 635)		
 FORM 635-C 1990	Period Covered <u>4/1/99</u> Through <u>6/30/99</u> Cumulative Period Beginning <u>4/1/99</u>	
Name of Lobbying Coalition: Alliance for Public Schools		
Name and Business Address of Coalition Members	Amount Received This Period	Cumulative Amount Received Since January 1 of Biennial Legislative Session
Mesa Joint Unified School District 150 So. Main Avenue Mesa, CA 90058	\$ 1,000	\$ 1,000
Colton Unified High School District 90 Gold River Street Colton, CA 92071	250	250
Longview Community College District P.O. Box 175 Longview, CA 93000	1,200	1,200
Smith River School District 495 Creek Avenue Streamville, CA 95301	500	500
Terrace Joint Unified School District 822 North C Street Terrace, CA 896211	1,300	1,300
Hammertown Community College District 499 Fallview Boulevard Hammertown, CA 98277	1,800	1,800
Fairview School District 831 Wheeler Way Camptown, CA 95719	600	600

GOVERNMENTAL AGENCIES REPORTING OF “OTHER PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION,” FORM 640

State and local government agencies which qualify as lobbyist employers/lobbying coalitions or \$5,000 filers are subject to additional disclosure requirements and are required to attach Form 640 to their quarterly lobbying reports (Form 635 or 645). Form 640 replaces Section III. D. of Form 635 or Section II. B. of Form 645.

State and local government agencies are required to itemize payments of \$250 or more made during a calendar quarter for the following:

- ♦ Goods or services, other than normal overhead, used by a lobbyist or used to support or assist a lobbyist in connection with his or her activities; and
- ♦ Any other expenses, other than normal overhead, which would not have been incurred but for the agency’s lobbying activities.

“Overhead” means payments for goods or services which one would normally think of as necessary to maintain an office, such as rent, utilities, janitorial services, etc.

- ♦ Dues or similar payments made to any organization, including a federation, trade, labor, or membership organization that is a lobbyist employer and makes expenditures equal to 10 percent of its total expenditures, or \$15,000 or more during any calendar quarter, to lobby the State Legislature or state administrative agencies. When reporting dues or similar payments, report the entire amount of the payments. It is not necessary to determine what portion of the agency’s dues payments were used by the organization for lobbying.

Dues or similar payments made to organizations need not be counted for purposes of determining if the agency qualifies as a lobbyist employer or a \$5,000 filer unless the organization assesses dues or other payments specifically for lobbying activities.

Form 640 should not include payments to salaried lobbyists, lobbying firms, activity expenses incurred by the governmental agency, or payments made in connection with PUC lobbying activity.

Form 640 - Cont'd

Instructions For Completing Form 640.

List the name of the state or local government agency.

Period Covered: The period covered is the entire calendar quarter.

Other Payments to Influence Legislative or Administrative Action: Line 1, Total Payments for Overhead Expenses Related to Lobbying Activity. Report as a lump sum all payments made for office overhead and operating expenses associated with influencing legislative or administrative action (e.g., rent, utilities).

Line 2, Total Payments to Lobbying Coalitions. Report as a lump sum all payments made to lobbying coalitions, if applicable. Also complete Form 630, Payments Made to Lobbying Coalitions. Do not report payments for membership dues to a trade or professional association. Such payments are reported on Line 3 or Line 4.

Line 3, Total Payments of Less than \$250 During the Calendar Quarter for Lobbying Activity (Excluding Overhead). Report as a lump sum all

payments of less than \$250 made during the calendar quarter for goods or services used by a lobbyist or used to support or assist a lobbyist, but not made directly to the lobbyist. Also include payments for expenses which would not have been incurred but for the agency's lobbying activities. For example, payments made to expert witnesses, payments for subscription services (e.g., legislative bill service), and compensation paid to employees (other than a lobbyist, secretary, or ministerial employee) who spent 10 percent or more of their compensated time in a calendar month in connection with lobbying activities are reportable. Do not include overhead expenses.

Line 4, Total Payments of More Than \$250 During the Calendar Quarter for Lobbying Activity. Report the total of all itemized payments of \$250 or more.

Line 5, Grand Total of "Other Payments to Influence Legislative or Administrative Action." Also enter this total on the appropriate line of the Summary of Payments section on Page 1 of Form 635 or Form 645.

Attachment Form 640 (Attachment to Form 635 or Form 645)		ATTACHMENT FORM 640 CALIFORNIA 1993 FORM 640
NAME OF FILER: <u>Beiler County</u>		Page <u>5</u> of <u>5</u>
PERIOD COVERED: <u>1/1/99 - 3/31/99</u>		
For Use By: A state or local government agency that qualifies as a lobbyist employer or a \$5,000 filer. Refer to the instructions on the cover page before completing this attachment.		
Other Payments to Influence Legislative or Administrative Action:		
1. Total payments for overhead expenses related to lobbying activity. <u>Report as a lump sum.</u>	\$	500
2. Total payments to Lobbying Coalitions. <u>Report as a lump sum.</u> (Form 630 must be attached)	\$	0
3. Total payments of less than \$250 during the calendar quarter for lobbying activity (excluding overhead). <u>Report as a lump sum.</u>	\$	2,000
4. Total payments of more than \$250 during the calendar quarter for lobbying activity (excluding overhead). Such payments must be itemized below.	\$	560
5. Grand total of "Other Payments to Influence Legislative or Administrative Action." Also enter this total on the appropriate line of the Summary of Payments section on Page 1 of Form 635 or Form 645.	\$	3,060

Itemize all payments of \$250 or more made during the calendar quarter for:

- ♦ Goods or services used by a lobbyist or used to support a lobbyist in connection with his/her activities, but not made directly to the lobbyist;
- ♦ Other expenses which would not have been incurred but for the agency's lobbying activities (do not include overhead expenses); and
- ♦ Dues or similar payments to an organization (lobbyist employer) that makes expenditures equal to 10% of its total expenditures or \$15,000 or more in a calendar quarter to influence legislative or administrative action. Report the entire amount of dues payments made during the calendar quarter covered by the report.

Name & Address of Payee	Amount This Quarter	Cumulative Amount Since January 1
Association of Counties 1414 L Street Sacramento, CA	\$ 260	\$ 520
United Airlines 1400 United Way Los Angeles, CA	\$ 300	\$ 500
	\$	\$
Subtotal of all payments itemized above	\$ 560	


☐ If more space is needed, check box and attach continuation sheets.

Name and Address of Payee: List the name and address of the vendor or other person to whom payment(s) of \$250 or more were made during the calendar quarter.

Amount This Quarter: Enter the amount paid during the calendar quarter.

Cumulative Amount: Enter the cumulative amount paid to the vendor or other person since January 1 of the biennial legislative session covered by the report.

Questions and Answers

- Q.** Is a governmental agency required to attach a Form 640 to its quarterly report if it does not make payments which have to be reported as “Other Payments to Influence” (Part III, Section D of Form 635 or Part II, Section B of Form 645)?
- A.** No. The Form 640 is not required as long as the agency clearly indicates on Form 635 or 645 (including the Summary of Payments Section on page 1) that no “other payments” were made during the quarter.
- Q.** Is a governmental agency required to itemize three separate payments totaling \$250 for travel arrangements (e.g., \$100 to a hotel, \$125 to a travel agency and \$50 reimbursement of expenses for an employee to attend a legislative hearing) on its Form 640?
- A.** No, because a single payment of \$250 was not made. However, if the employee paid for the expenses and the agency reimbursed the employee with a check for \$250, the agency must itemize the payment on its Form 640.
- Q.** Is an association which is a lobbyist employer required to file Form 640 if its membership is comprised of governmental agencies?
- A.** No. Only governmental agencies which are lobbyist employers or \$5,000 filers are required to file the Form 640.
- Q.** Is a governmental agency required to report on its Form 640 the dues payments it makes on behalf of its employees who are members of associations which lobby (e.g., membership to the State Bar)?
- A.** No. Dues paid by a governmental agency for an employee’s membership in an organization, whether or not the organization lobbies, are not reportable. Such payments are considered part of the employee’s routine fringe benefits.
-  **Q.** Dues payments to organizations in which the governmental agency or a department of the governmental agency holds a membership are required to be reported if the organization makes expenditures equal to 10% of its total expenditures, or \$15,000 or more during any calendar quarter, to influence legislative or administrative action.
- Q.** Is a county required to file Form 640 if it makes dues payments to the California Association of Counties (CSAC) but does not employ a lobbyist and does not make payments to a lobbying firm?
- A.** No. The county must first qualify as a lobbyist employer or a \$5,000 filer before it is required to itemize its dues payments on a Form 640.
- Q.** Is a governmental agency required to report a non-lobbyist employee’s salary on its Form 640?
- A.** Only if the employee spends 10% or more of his/her compensated time in a calendar month on lobbying activity. The salary is considered overhead for purposes of disclosure on Form 640 and must be reported in “Other Payments” as a lump sum amount.
- Compensation paid to an employee whose duties are solely clerical, manual, or are limited solely to the compilation of data or statistics is not required to be reported.

PERSON SPENDING \$5,000 OR MORE TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION, FORM 645

Any person who does not employ a lobbyist or contract with a lobbying firm but makes payments totaling \$5,000 or more in a calendar quarter to influence legislative or administrative action must report its activity for that calendar quarter on Form 645. Form 645 is not required to be filed for any quarter in which the person does not spend \$5,000. If the only payments made during a calendar quarter are "activity expenses," no report is required for the quarter.

Instructions For Completing Form 645.

Reporting Period: The period covered is the entire calendar quarter. The "cumulative period" begins with the first day of the calendar quarter. (Legislative sessions begin in odd-numbered years.)

Name of Filer: List the name, business address, and telephone number of the \$5,000 filer.

Part I - Legislative or State Agency Administrative Actions Lobbied: List the legislative bill number or state agency administrative regulation number of each legislative or administrative action which the \$5,000 filer "actively" influenced or attempted to influence

during the calendar quarter. When listing state administrative actions, provide the name of the state agency or department. In lieu of bill numbers and regulation numbers, a specific description of each legislative or administrative action actively lobbied during the quarter may be provided.

"Actively" lobbied means that an individual either engaged in direct communication, or has been directed to engage in direct communication, with a qualifying official for the purpose of influencing the legislative or administrative action during the calendar quarter.

"Actively" lobbied includes, but is not limited to:

- ♦ Public testimony
- ♦ A personal contact
- ♦ A phone call; or
- ♦ A letter or other form of written communication (e.g., fax, telegram, e-mail).

Do not list bills or administrative actions which:

- ♦ Have died prior to the reporting period
- ♦ Are only being watched or monitored; or
- ♦ The \$5,000 filer has not attempted to influence during the calendar quarter.

REPORT OF PERSON SPENDING \$5,000 OR MORE TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION (Government Code Section 86116)				
FORM 645 1993		PAGE <u>1</u> OF <u>3</u>		
REPORT COVERS PERIOD FROM <u>10/1/99</u> THROUGH <u>12/31/99</u>		FOR OFFICIAL USE ONLY		
CUMULATIVE PERIOD BEGINNING <u>1/1/99</u>		A		
TYPE OR PRINT IN INK <small>For information required to be provided to you pursuant to the Information Practices Act of 1977, see Information Manual on Lobbying Disclosure Provisions of the Political Reform Act.</small>		B		
NAME OF FILER:				
Motor Vehicle Safety Council				
BUSINESS ADDRESS: (Number and Street)		(City)	(State)	(Zip Code)
984 Flag Road		Sacramento	CA	95825
		TELEPHONE NUMBER:		
		(916) 555-0036		
PART I - LEGISLATIVE OR STATE AGENCY ADMINISTRATIVE ACTIONS ACTIVELY LOBBIED DURING THE PERIOD (See instructions on reverse.)				
SB 170				
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.				

Form 645 - Cont'd

Summary of Payments This Period: Line A, Total Activity Expenses. Report the total amount of activity expenses paid, arranged, or incurred during the calendar quarter from Part II, Section A.

Line B, Total Other Payments to Influence. Report the total amount from Part II, Section B of Form 645 or from Line 5 of Form 640, whichever is applicable.

Total: Add Lines A and B and enter the total amount of payments made during the calendar quarter.

Line C, Total Payments in Connection with PUC Activities. Report the total amount of payments made in connection with administrative testimony in proceedings before the PUC from Part II, Section C.

Campaign Contributions: Check the box which indicates your campaign activities during the calendar quarter.

SUMMARY OF PAYMENTS THIS PERIOD

A. Total Activity Expenses (Part II, Section A)	\$ 28.60
B. Total Other Payments to Influence (Part II, Section B)	\$ 3060.00
Total (A + B above)	\$ 3088.60
C. Total Payments in Connection with PUC Activities (Part II, Section C)	\$ 0

CAMPAIGN CONTRIBUTIONS: ☒ Part III completed and attached ☐ No campaign contributions made this period

VERIFICATION

I have used all reasonable diligence in preparing this Report. I have reviewed the Report and to the best of my knowledge the information contained herein and in the attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on (Date) 1/14/00	At (City and State) Sacramento, CA	By (Signature of Filer or Responsible Officer) (Signature Required)
Name of Filer or Responsible Officer (Type or Print) Bob Bearing		Title Vice President

Verification: The report must be verified and signed by the filer. In the case of a business entity or organization, the verification must be signed by a responsible officer, or by an attorney or a certified public accountant who acts as an agent for the entity or organization.

An unsigned report is not considered filed and is subject to a \$10 per day late fine.

Part II - Payments Made This Period -

Section A. Activity Expenses: An activity expense is any payment that benefits, in whole or in part, an elected state officer, a legislative official, a state agency official, a state candidate, or a member of the immediate family of such an official or candidate. This manual refers to such individuals as "reportable persons."

A payment that benefits a state agency official or a member of a state official's immediate family is an activity expense only if the \$5,000 filer lobbies the official's state agency. However, all payments that benefit an elected state officer, legislative official, a state candidate, or a member of the immediate family of such an official or candidate are activity expenses, whether or not lobbying occurs.

Activity expenses include gifts (e.g., food, beverage, candy, flowers) and compensation (e.g., consulting fees, salaries) that benefit reportable persons.

Itemize all activity expenses incurred, and report them during the period in which they occurred, regardless of whether they were actually paid during the period. Do not attach copies of invoices, credit card receipts, or checks to the statement. Such documents should be kept in the recordkeeping file.

An activity expense reported on a previous quarterly report as incurred need not be reported again when actual payment is made.

Date: Enter the date the activity expense was incurred.

Name and Address of Payee: List the name and address of the vendor or other person to whom payment was made or incurred. If charged to a credit card, list the name of the credit card company and the name and address of the vendor that received the payment.

Name and Official Position of Reportable Persons and Amount Benefiting Each: List the name and official position, if any, of each reportable person who benefited from the activity expense. Do not list any individual who is not a reportable person. However, your records must indicate the total number of persons who benefited.

Example: *Bob Bearing, Vice President of the Motor Vehicle Safety Council, took Senator Johnson and his spouse to lunch. Both the Senator and spouse are reportable persons and must be listed on the council's Form 645. Bearing's name is not required to be identified.*

List the amount of benefit received by each reportable person. To determine the amount benefiting the reportable person(s), see Section 5.

Description of Consideration: Describe the goods or services received by the reportable person(s) (e.g., lunch, beverages, candy, etc.).

Total Amount of Activity: Enter the total amount paid, arranged, or incurred for the activity expense, including the amount which benefited nonreportable person(s).

Enter the total of Section A in the "Summary of Payments This Period" section on page 1.

PAGE <u>2</u> OF <u>3</u>				
NAME OF FILER: <u>Motor Vehicle Safety Council</u>			PERIOD COVERED: <u>10/1/99 - 12/31/99</u>	
PART II - PAYMENTS MADE THIS PERIOD				
A. ACTIVITY EXPENSES (See instructions on reverse.)				
Date	Name and Address of Payee	Name and Official Position of Reportable Persons and Amount Benefiting Each	Description of Consideration	Total Amount of Activity
11/5	Cafe Sacramento 903 L Street Sacramento, CA	Senator Johnson Betty Johnson, Spouse	\$ 9.50 9.50	\$ 28.60
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.			TOTAL SECTION A (Activity Expenses). Also enter the total of Section A on Line A of the Summary of Payments section on page 1.	
			\$ 28.60	

Section B. Other Payments to Influence Legislative or Administrative Action: (Governmental agencies must use Form 640 to complete this section. See page 65.) Report all other payments made in connection with the filer’s attempts to influence legislative or administrative action.

“Other payments” include:

- ◆ Compensation paid to employees who spend 10 percent or more of their compensated time in any one calendar month in connection with lobbying activities, including engaging in or urging others to engage in direct communication, providing research services and preparing materials to be used in direct communication or in connection with soliciting or urging others to engage in direct communication.

Compensation includes gross wages paid plus any benefits which are in lieu of wages (e.g., stock options). It does not include routine fringe benefits, such as the employer’s contributions to a health plan, retirement plan, or payroll taxes.

Exception: Compensation paid to an employee whose duties are solely clerical, manual, or are limited solely to the compilation of data or statistics is not required to be reported.

- ◆ The payment of any other expenses which would not have been incurred but for the filer’s activities to influence or attempt to influence legislative or administrative action, including office overhead and operating expenses, payments to expert witnesses, and expenses incurred by employees.
- ◆ Payments in connection with soliciting or urging persons other than employees to enter into direct communication with a reportable person for the primary purpose of influencing legislative or administrative action.
- ◆ Payments made to a lobbying coalition. Attach a Form 630 to the Form 645.

Enter the total of Section B in the “Summary of Payments” section on Page 1, Line B.

B. OTHER PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION		
<input type="checkbox"/> NOTE: State and local government agencies do not complete this section. Check the box and complete Attachment Form 640 instead.		
1. PAYMENTS TO LOBBYING COALITIONS (NOTE: Attach Form 630.)	\$ 1,000	
2. OTHER PAYMENTS	\$ 3,000	
TOTAL SECTION B (1 + 2). Also enter the total of Section B on Line B of the Summary of Payments section on page 1.		\$ 4,000

Section C. Payments in Connection with Administrative Testimony in Proceedings Before the California Public Utilities Commission: Report payments made in connection with administrative testimony in PUC regulatory proceedings in Section C.

A PUC regulatory proceeding means an application, complaint, investigation, rulemaking, alternative dispute resolution procedure in lieu of formal proceedings, and other formal proceedings sponsored by the PUC.

Regulation 18616 has limited the reporting of payments made in connection with administrative testimony in PUC regulatory proceedings to the following:

- ◆ Compensation paid to all attorneys for time spent appearing as counsel; and
- ◆ Compensation paid to all witnesses for time spent testifying.

C. PAYMENTS IN CONNECTION WITH ADMINISTRATIVE TESTIMONY IN RATEMAKING PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION (See instructions on reverse.) Also enter the total of Section C on Line C of the Summary of Payments section on page 1.	\$ 0
--	------

No other in-house expenses or overhead in connection with administrative testimony before the PUC are reportable. However, payments in connection with direct communication outside the regulatory proceedings may be reportable.

Enter the total of Section C in the "Summary of Payments This Period" section on Page 1, Line C.

Part III - Campaign Contributions Made:

Disclose all monetary and non-monetary campaign contributions made by the \$5,000 filer, or a committee sponsored by the \$5,000 filer, during the calendar quarter which total \$100 or more to elected state officers, state candidates, and **all** committees (except political parties or general purpose committees) regardless of the jurisdiction, that are controlled by or primarily formed to support such officeholders or candidates.

Contribution limits do not apply to state officeholders/candidates unless they are involved in a special election.

Contributions may not be personally delivered in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent. The only exception to this prohibition is a legislative district office. "Personally deliver" includes the delivery of a copy or facsimile of a contribution, and the original or copy of a contribution transmittal letter. "Personally deliver" does not include contributions sent through the mail.

Section A: If all of the contributions made during the calendar quarter, or made by the filer's sponsored committee, are reported in a campaign disclosure statement required under Government

Code Section 84200, et seq. (e.g., Form 461) on file with the Secretary of State, identify the name of the committee and, if applicable, the committee's identification number. It is not necessary to complete Section B.

Section B: If Section A is not applicable, for each contribution you must report the:

- ◆ Date of the contribution
- ◆ Name of the recipient of the contribution
- ◆ Identification number of the recipient of the contribution, if the recipient is a committee; and
- ◆ Amount of the contribution.

To amend information disclosed on a Report of Person Spending \$5,000 or More to Influence Legislative or Administrative Action, file an Amendment to Lobbying Disclosure Report, Form 690.

PAGE <u>2</u> OF <u>3</u>			
NAME OF FILER: <u>Motor Vehicle Safety Council</u>		PERIOD COVERED: <u>10/1/99 - 12/31/99</u>	
PART III - CAMPAIGN CONTRIBUTIONS MADE (Monetary and non-monetary campaign contributions of \$100 or more made to or on behalf of state candidates, elected state officers and any of their controlled committees, or committees supporting such candidates or officers must be reported in A or B below.)			
A. If the contributions made by you during the period covered by this report, or by a committee you sponsor, are contained in a campaign disclosure statement which is on file with the Secretary of State, report the name of the committee and its identification number, if any, below. Name of Major Donor or Recipient Committee Which Has Filed A Campaign Disclosure Statement: <u>Motor Vehicle PAC</u> Identification Number if Recipient Committee: <u>788844</u>			
B. Contributions of \$100 or more which have not been reported on a campaign disclosure statement, including contributions made by an organization's sponsored committee, must be itemized below.			
Date	Name of Recipient	I.D. Number if Committee	Amount
			\$
<input type="checkbox"/> If more space is needed, check box and attach continuation sheets.			
NOTE: Disclosure in this report does not relieve a filer of any obligation to file the campaign disclosure statements required by Gov. Code Section 84200, et seq.			

AMENDMENT TO LOBBYING DISCLOSURE REPORT, FORM 690

Form 690 is used to amend information on Forms 615, 625, 630, 635, 635-C, 640, and 645. A separate Form 690 should be used for each report being amended. If further clarification is needed, include the appropriate revised pages of the form being amended to show changed information.


Form 690 should not be used to amend information contained on a Registration Statement or the Lobbyist Certification Statement. Instead, a Form 605 (Amendment to Registration) must be filed.

If the Form 690 is being filed to amend information contained on the Form 615, the Amendment must be verified and signed by the lobbyist.

If the Form 690 is being filed to amend information contained on the Form 625, the Amendment must be verified and signed by the person designated on the lobbying firm's registration statement as the responsible officer of the firm.

In the case of a lobbyist employer/lobbying coalition or a \$5,000 filer, the Form 690 must be signed and verified by the filer. In the case of a business entity or organization, the verification must be signed by a responsible officer, or by an attorney or a certified public accountant who acts as an agent for the entity or organization.

There is no deadline for filing a Form 690. However, all amendments should be filed as soon as practical.

AMENDMENT TO LOBBYING DISCLOSURE REPORT				
FOR USE BY FILERS AMENDING REPORTS FILED PURSUANT TO GOVERNMENT CODE SECTIONS 86100-86117				
 FORM 690 1990	TYPE OR PRINT IN INK			FOR OFFICIAL USE ONLY
				A
				B
For information required to be provided to you pursuant to the Information Practices Act of 1977, see <u>Information Manual on Lobbying Disclosure Provisions of the Political Reform Act</u> .				
NAME OF FILER:				
Emily Broski				
NAME OF EMPLOYER OR FIRM: (If this amendment is being filed by a lobbyist)				
Beyer and Bennett				
BUSINESS ADDRESS OF FILER: (Number and Street) (City) (State) (Zip Code)				
900 State Street		Sacramento	CA	95814
				TELEPHONE NUMBER:
				(916) 555-9800
(The information required must correspond to the information provided on the original report filed.)				
1. The following information amends the lobbying disclosure report Form No. <u>615</u> executed on <u>10/5/99</u> for the period <u>7/1/99</u> to <u>9/30/99</u> . (Mo. - Day - Year)				
2. Amended information affects items on Part(s) <u>I</u> Section(s) _____.				
3. Describe changes below.				
8/17	Coffee Club 501 First Street Sacramento, CA 95813	Bill Johnson AA to Senator Joan Blackwell	Coffee \$1.35	\$2.70 total
VERIFICATION				
I have used all reasonable diligence in preparing this Amendment. I have reviewed the Amendment and to the best of my knowledge the information contained herein is true and complete.				
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Executed on (Date)		At (City and State)		By (Signature of Filer)
10/31/99		Sacramento, CA		(Signature Required)
Name of Filer (Type or Print)				Title
Emily Broski				Lobbyist/Partner

7. Termination Procedures

Form 606

NOTICE OF TERMINATION, FORM 606

Lobbyists, lobbying firms, and registered lobbyist employers/lobbying coalitions that cease all activity that required the filing of a registration statement must complete a Notice of Termination, Form 606, to terminate their reporting obligations. Form 606 must be filed within 20 days of ceasing all lobbying activity. A quarterly report(s) covering the period until the filing of the notice is required.

Example: *United Balloon Association ceased all lobbying activity on March 31, 1999, and filed its Report of Lobbyist Employer, Form 635, covering the period January 1, 1999, through*

March 31, 1999. United filed its Form 606 on April 30, 1999. It must file another Form 635, covering the period April 1, 1999, through the effective date of termination, April 30, 1999.

Important Note

Lobbyists and lobbying firms remain subject to the \$10 gift prohibition for six months after filing a Form 606. Lobbyists and lobbying firms that cease all lobbying activity at the end of the legislative session and, therefore, are not required to renew their registration or file a Notice of Termination, remain subject to the gift prohibition for six months after the end of the regular session.

Notice of Termination <small>(Government Code Section 86107)</small>		Legislative Session 1999/2000 <small>(Insert Years)</small>		CALIFORNIA 606 1997/98 FORM <small>FAIR POLITICAL PRACTICES COMM.</small> <small>For Official Use Only</small>
Type or Print in Ink		Page <u>1</u> of <u>1</u>		
Effective Date of Termination <u>4/30/99</u> <small>(Month/Day/Year)</small>				
NAME OF FILER: United Balloon Association				
NAME OF LOBBYIST EMPLOYER OR FIRM: (If this Notice is being filed by a lobbyist)				
BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code) 104 Southern Street Los Angeles CA 90028				
Lobbyists and Lobbying Firms Note: 86203. It shall be unlawful for a lobbyist, or a lobbying firm, to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person. "Gift" as used in Section 86203 means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist. (Government Code Section 86201.)				
VERIFICATION I certify that all activities which required registration under Government Code Section 86100, et seq, have ceased. If this notice is filed more than 20 days after the effective date for which all activities were terminated, I understand that I must file quarterly reports covering the entire period until the filing of this notice. I understand that a lobbyist or lobbying firm remains subject to the gift prohibition in Government Code Section 86203 for six months after filing this notice of termination. I have used all reasonable diligence in preparing this Notice. I have reviewed the Notice and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Executed on <u>5/1/99</u> At <u>Los Angeles, CA</u> By <u>(Signature Required)</u> <small>DATE CITY AND STATE SIGNATURE OF LOBBYIST OR RESPONSIBLE OFFICER</small>				
Name of Lobbyist or Responsible Officer <u>Edward James</u> Title <u>President</u> <small>TYPE OR PRINT</small>				

Instructions for Completing Form 606. Identify the lobbyist, lobbyist employer/lobbying coalition, or lobbying firm filing the statement, as applicable, and the business address.

Verification: The notice must be signed by the lobbyist, or in the case of a lobbying firm, by the person who is designated on the firm's registration statement as the responsible officer of the firm. In the case of a lobbyist employer/lobbying coalition, the verification must be signed by a responsible officer or by an attorney or a certified public accountant who acts as an agent for the entity or organization.

Exceptions:

- ♦ Lobbyist employers/lobbying coalitions that only contract for the services of a lobbying firm do not file Form 606. The lobbying firm must file an Amendment to Registration Statement, Form 605, to delete the lobbyist employer.
- ♦ Filers ceasing all lobbying activity at the end of a regular biennial legislative session are not required to file a termination statement.
- ♦ A lobbyist who changes employment and continues to lobby, does not file a Form 606. The lobbying firm or lobbyist employer/lobbying coalition the lobbyist is leaving must file a Form 605 indicating the lobbyist's termination. The lobbyist's new lobbying firm or lobbyist employer/lobbying coalition must also file a Form 605 (or file a registration statement if it is not currently registered) adding the new lobbyist.


Note: Contract Disputes

If a lobbyist employer terminates a contract with a lobbying firm and there remains a dispute over payment of fees, the lobbyist employer may file a Notice of Termination, but must file a Form 635 at a later date if additional payments are made to the lobbying firm as a result of dispute.

NOTICE OF WITHDRAWAL, FORM 607

Individuals who have filed a Lobbyist Certification Statement, Form 604, or persons who have filed a Lobbying Firm Registration Statement, Form 601, but in fact have never met the definition of lobbyist or lobbying firm may file Form 607 to terminate reporting obligations. Once the form is on file with the Secretary of State's office the individual is not subject to the \$10 gift prohibition. This form may not be used to terminate filing obligations of a person who has qualified as a lobbyist or lobbying firm.

Instructions for Completing Form 607. If the notice is being filed by an individual, list the name of the individual and the name of the employer or firm and the business address. If the notice is being filed by a lobbying firm, list the firm's name under "Name of Filer" and provide the business address. Indicate the reason for the withdrawal by checking the appropriate box.

 **Verification:** The notice must be signed by the lobbyist, or in the case of a firm, by the person who is designated on the firm's registration statement as the responsible officer of the firm.

Notice of Withdrawal <small>(Government Code Section 86100, 2 Cal. Code of Regs. Section 18601)</small>		Legislative Session 1999/2000 <small>(Insert Years)</small>	CALIFORNIA 607 <small>1997/98 FORM FAIR POLITICAL PRACTICES COMM. For Official Use Only</small>
Type or Print in Ink			
Effective Date of Withdrawal <u>3/31/99</u> <small>(Month/Day/Year)</small>		1999/2000 <small>(Insert Years)</small>	
NAME OF FILER: Shirley Howard			
NAME OF EMPLOYER OR FIRM: (If this Notice is being filed by a lobbyist) Coalition for Women's Issues			
BUSINESS ADDRESS: (Number and Street) (City) (State) (Zip Code) 554 West University Drive Sacramento CA 95825			
<p>FOR USE BY: Lobbyists and lobbying firms which are not and have not been, since filing a "Lobbyist Certification Statement" (Form 604) or "Lobbying Registration Statement" (Form 601), a "lobbyist" within the meaning of Government Code Section 82039, or a "lobbying firm" within the meaning of Government Code Section 82038.5.</p> <p>I have not met the qualification requirements to register as a:</p> <p><i>Check applicable box(es)</i></p> <p><input checked="" type="checkbox"/> Lobbyist within the meaning of Government Code Section 82039 and Regulation 18239.</p> <p><input type="checkbox"/> Lobbying Firm within the meaning of Government Code Section 82038.5 and Regulation 18238.5.</p>			
VERIFICATION			
I have used all reasonable diligence in preparing this Notice. I have reviewed the Notice and to the best of my knowledge the information contained herein is true and complete.			
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Executed on <u>4/1/99</u> <small>DATE</small>		By <u>(Signature Required)</u> <small>SIGNATURE OF LOBBYIST OR LOBBYING FIRM RESPONSIBLE OFFICER</small>	
Name of Lobbyist or Lobbying Firm Responsible Officer <u>Shirley Howard</u> <small>TYPE OR PRINT</small>		Title <u>Executive Director</u>	

8. RecordKeeping

Lobbyists, lobbying firms, lobbyist employers, and lobbying coalitions are required to keep financial records and substantiating documents for a period of four years from the date of the filer's final report for the calendar year.

Example: On January 1, 1999, a filer may discard records and substantiating documents maintained prior to January 1, 1995. Records must be kept for calendar years 1995-1998.

A recordkeeping system should ensure the accuracy and reliability of all information in connection with lobbying activities. Records must be maintained in accordance with accepted accounting principles.

The following recordkeeping guidelines conform with FPPC regulations. The guidelines address the most common transactions and will assist in keeping adequate records of payments received and payments made for lobbying activities. A computer or manual recordkeeping system may be used.

In the event of an audit, the cash disbursements records, cash receipt records, and supporting documentation must be provided so the auditor can verify the accuracy of the reported expenses and receipts.

Recordkeeping is divided into six sections as follows:

- Section A. Activity Expenses
- Section B. Campaign Contributions
- Section C. Payments “Received” for Lobbying Services
- Section D. Payments “Made” for Lobbying Services

Section E. Other Payments to Influence Legislative or Administrative Action

Section F. Payments in Connection with Administrative Testimony in Proceedings Before the California Public Utilities Commission

The persons identified at the beginning of each section are required to maintain the records and documentation described in that section (e.g., lobbyists, lobbying firms).

In addition, the following chart may be used as a guide:

Type of Filer	Applicable Section
Lobbyist	A, B
Lobbying Firm	A, B, C, D
Lobbyist Employer/ Lobbying Coalition	A, B, D, E, F

Method of Allocation for Purposes of Determining How Much Activity to Report for Lobbying

When payments are made or received for both lobbying activities and non-lobbying activities, only payments in connection with attempting to influence the California State Legislature or state administrative agencies should be disclosed.

Example: A lobbying firm received \$50,000 from a client to:

- Engage in direct communication with the State Legislature on a pending law enforcement bill, \$15,000;
- Lobby the U.S. Congress on a similar bill, \$10,000; and
- Provide legal representation in a court case, \$25,000.

The lobbying firm must report \$15,000 on its Form 625. The invoice/voucher must indicate the amount received for state lobbying activities.

In some circumstances, it will be necessary to apportion payments based on the percentage of activity related to lobbying. If an allocation method is used, a written statement must be prepared detailing the percentages which are applicable for the reporting periods and the method for determining those percentages. The allocation formula must be reviewed on a regular basis.

The following provides an example of a format for in-house memoranda.



January 15, 1999

Memorandum

To: File
From: Accounting Office
Subject: Lobbying Activity

Based on a review of our lobbyist's 1998 timesheets, we have determined that during the first three quarters of 1998, 75 percent of her time was spent on lobbying activities. During the fourth quarter, the rate was 10 percent. Since our activities are fairly consistent from year to year, we have decided to apply the 1998 allocations to 1999. We will review our activities each quarter to ensure that no significant changes have occurred. Therefore, for purposes of reporting salary to our lobbyist and other expenses to support the lobbyist, we will allocate as follows:

1st, 2nd, and 3rd Quarters	75%
4th Quarter	10%

Compensation paid to other employees who spend 10 percent or more of their compensated time on lobbying activities varies and will, therefore, be calculated each quarter.

With respect to overhead and operating expenses, a review of our records for 1998 indicates that during the first, second, and third quarters, 15 percent of our overhead and operating expenses were directly attributable to lobbying activities. During the fourth quarter, the rate was less than one percent. Unless significant changes occur, 1999 operating and overhead expenses will be allocated as follows:

1st, 2nd, and 3rd Quarters	15%
4th Quarter	- 0 -

SECTION A. ACTIVITY EXPENSES:

- **Lobbyists**
- **Lobbying Firms**
- **Lobbyist Employers/Lobbying Coalitions**


A cash disbursements journal or other form of record must be maintained which shows all activity expenses incurred, paid, or reimbursed.

Substantiating documentation, including restaurant or credit card receipts, invoices, or canceled checks, must also be maintained for each activity expense.

The substantiating documentation must contain the following information:

- ♦ The full name of the payee;
- ♦ A description of the goods or services for which the payment was made;
- ♦ The date and amount of the payment;
- ♦ A breakdown of the total amount showing the amount of benefit received by each person;
- ♦ The full name, official position, and if applicable, the state agency of the reportable person(s) who

Example

9999 8888 3333 1123 02/99 CV		Lunch: \$13.75 Sen. White \$18.10 Assm. Black \$19.40 Staff	
HOOVER J. HORNER CAFE LA PORTE 1001 LAKEFRONT BLVD. SACRAMENTO, CA		DATE 3/22/99	
		0011340	
 Bank of Money <div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; padding: 2px; margin: 2px;">VISTA</div> <div style="margin: 0 10px;">OR</div> <div style="border: 1px solid black; padding: 2px; margin: 2px;">BEST CARD</div> </div>		AUTHORIZATION CODE	
		CHECK/BILL NO.	
		DESCRIPTION	
		AMOUNT	
		TAX	
GRATUITY		10 00	
INITIALS		TOTAL 51 25	
Sign Here X <u>Hoover J. Horner</u>		USAFEUPERT Important: Retain this copy for your records	
Sales Slip - Cardholder Copy			


Example

Good-A-Deli Downtown Plaza Sacramento		#1
10/10/99		10.50T
Coke - Sen. Smith		1.00
Coke - Staff		1.00
Chips - Sen. Smith		.75
Chips - Staff		.75
Roast Beef Sandwich - Sen. Smith		4.00
Tuna Sandwich - Staff		3.00
Tax		.69
Total		11.19
CA TEND		11.19
Change		0.00
ITEM		
4 c1	1820	15:23TM

benefited from the activity expense. The names of nonreportable individuals do not have to be listed; and

- ♦ The total number of beneficiaries.

Example: Six individuals, including two legislators, attended a dinner party hosted by a lobbyist employer. The two legislators' names and position titles and the total number of individuals in attendance must be documented.

 If it is not possible to get a receipt or invoice to support an expenditure, a written voucher must be prepared to support the expenditure. The voucher must be prepared in a timely manner (the same day of the expenditure) and must contain the information listed above. In most cases, the names and the number of beneficiaries must be added to the receipt or invoice, or attached on a separate document, since this information is not normally listed.

SECTION B. CAMPAIGN CONTRIBUTIONS:

- **Lobbyists**
- **Lobbying Firms**
- **Lobbyist Employers/Lobbying Coalitions**

Records of all monetary (including loans) and non-monetary contributions of \$25 or more made to a state candidate, an elected state officer, a committee controlled by an elected state officer or state candidate, or a committee primarily formed to support such an officer or candidate must be maintained.

Lobbyists must also maintain records of contributions which they personally deliver to these candidates.

The cash disbursements records must contain the following information:

- ♦ The full name of the payee and the full name of the recipient of the contribution if other than the payee;
- ♦ The date of the contribution;
- ♦ The amount of the contribution;
- ♦ In the case of a non-monetary contribution, a description of the goods or services or other consideration provided; and
- ♦ In the case of a contribution personally delivered by a lobbyist on behalf of another person, the name of the contributor.

Substantiating documentation must also be maintained, including canceled checks and other bank records supporting the monetary contributions. Such documentation may also include correspondence and fundraising invitations.

Notes:

- ♦ For information regarding the “delivery” of campaign contributions, see Section 6.

- ♦ Lobbying firms and lobbyist employers/lobbying coalitions which are required to maintain records as campaign committees are not required to keep separate records for lobbying disclosure. The records required for campaign disclosure statements meet the lobbying recordkeeping requirements for the campaign contributions reported on a lobbying disclosure report. This documentation may be requested in an audit.

***Example:** A lobbyist employer sponsors a general purpose committee (“PAC”) and regularly files campaign statements (Form 420). As long as the PAC maintains the required supporting documentation, separate documentation is not required in the lobbying records.*

**SECTION C. PAYMENTS “RECEIVED”
FOR LOBBYING SERVICES:**

- **Lobbying Firms**

A cash receipts journal or other form of record must be maintained showing all payments received for lobbying services (e.g., fees, retainers, reimbursements). The records must contain the following information:

- ♦ The date each payment is received by the lobbying firm;
- ♦ The full name of each person who makes payments to the lobbying firm;
- ♦ The amount of each payment;
- ♦ If a payment is received after the calendar quarter in which services were provided, the records must show the calendar quarter in which the services were provided.

Payments for Lobbying Services. FPPC Regulation 18614 (see Appendix B) clarifies when payments to a lobbying firm are reportable as payments for “lobbying services.”

SECTION D. PAYMENTS “MADE” FOR LOBBYING SERVICES:

- **Lobbyist Employers/Lobbying Coalitions**
- **Lobbying Firms**

Payments Made by Lobbyist Employers/Lobbying Coalitions:

- ♦ To a Lobbyist:

All payments made to an in-house employee lobbyist, such as salaries, fees, reimbursements of expenses, advances, or other payments, must be recorded in the disbursements records. Salary includes gross wages paid, plus any fringe benefits which are in lieu of wages but does not include routine fringe benefits such as the employer’s contributions to a health plan or retirement plan or payroll taxes. The disbursements records must include:

- The full name of the lobbyist;
- The date of the payment; and
- The amount of the payment.

- ♦ To a Lobbying Firm:

For each payment made to a lobbying firm (including an independent contract lobbyist) for lobbying services, the disbursements records must show:

- The full name of the lobbying firm which received the payment;
- The date of the payment;
- The amount of the payment; and
- The calendar quarter during which the services paid for were rendered.

Substantiating documentation must be maintained, including canceled checks, receipts or invoices, and bank statements.

Payments Made by Lobbying Firms:

- ♦ To Other Lobbying Firms

If a lobbying firm subcontracts with another lobbying firm, including an independent contract lobbyist, for lobbying services, the cash disbursements records must contain the payments made to the subcontractor, including:

- The full name of the client/lobbyist employer;
- The full name of the subcontractor;
- The date of each payment; and
- The amount of each payment.

Substantiating documentation must be maintained, including copies of contracts or correspondence, canceled checks, bank statements, and invoices.

Payments for Lobbying Services. FPPC Regulation 2 Cal. Code of Regulations Section 18614 (see Appendix B) clarifies when payments to a lobbying firm are reportable as payments for “lobbying services.”

SECTION E. OTHER PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION:

• **Lobbyist Employers/Lobbying Coalitions**

These payments include:

- ◆ Compensation paid to employees who spend 10 percent or more of their compensated time in any one calendar month in connection with lobbying activities.

Compensation includes gross wages paid plus any benefits which are in lieu of wages such as the granting of stock options or the purchase of annuities. It does not include routine fringe benefits, such as the employer's contributions to a health plan, retirement plan, or payroll taxes;

Exception: This does not include employees or contract services which provide solely secretarial, clerical, or manual services or only compile data.

- ◆ The payment of expenses incurred by an in-house lobbyist, but not paid to the lobbyist (e.g., credit card charges billed directly to the employer, car lease);
- ◆ The payment of expenses incurred for goods or services used by a lobbyist or used to support or assist a lobbyist in connection with his or her activities as a lobbyist;
- ◆ The payment of any other expenses which would not have been incurred but for the filer's activities to influence or attempt to influence legislative or administrative action, including office overhead, operating expenses, and payments to expert witnesses; and
- ◆ Payments made by a lobbyist employer to a lobbying coalition.

For each "other payment," the disbursements records must include:

- The full name of the payee;
- The date of the payment;
- The amount of the payment; and
- A description of the goods or services or other consideration for which the payment was made.

Following is a list of some of the types of payments that are required to be disclosed under "Other Payments to Influence":

- Bill service;
- Bill monitoring services;
- Payments made directly to a vendor for the lobbyist's air travel, meals, automobile expenses;
- Conference fees for a lobbyist;
- Payments to a public relations firm for advice, goods, or services in connection with influencing legislative or administrative action;
- Payments to a law firm for drafting or analyzing legislation when the firm does not engage in direct communication on behalf of the lobbyist employer/lobbying coalition; and
- Payments for informational brochures, videos, pamphlets, and similar materials specifically designed for lobbying purposes.

Exception: Payments for research which is undertaken for non-lobbying purposes are not required to be reported even if subsequently used in lobbying-related videos, pamphlets, etc.

SECTION F. PAYMENTS IN CONNECTION WITH ADMINISTRATIVE TESTIMONY IN PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES COMMISSION:

- **Lobbyist Employers/Lobbying Coalitions**

Filers reporting expenses incurred in connection with proceedings before the California Public Utilities Commission must maintain records of compensation paid to attorneys for time spent appearing as counsel in those proceedings, and compensation paid to witnesses for time spent testifying at those proceedings.

For each payment, the disbursements records must include:

- The full name of the payee;
- The date of the payment; and
- The amount of the payment;

JOURNAL EXAMPLE

The following is an example of a recordkeeping journal which may be used as a guideline. Any system of recordkeeping is permissible if it is in accordance with accepted accounting principles. In the event of an audit, journals and all substantiating documentation must be provided so that the auditor can verify the accuracy of the information disclosed.

SAMPLE RECORDKEEPING JOURNAL

<i>Check No.</i>	<i>Cash</i>	<i>Date</i>	<i>Name and Address of Payee</i>	<i>Description</i>	<i>Total Amount</i>	<i>Percent Lobbying</i>	<i>Amount</i>
Other Payments:							
150		1998 1/24	Mid-Town Rentals 200 C Street Sacramento	Office Space	6,000.00	50%	3,000.00
180		2/8	E-Z Travel 100 Broadway Sacramento, CA	Lobbyist Travel to S.F.	186.00	100%	186.00
Activity Expenses:							
	X	1/19	Sam's Club 900 Capitol Avenue Sacramento, CA	Lunch Sen. Smith \$9.98 Dan D. Lyon \$14.32	24.30	100%	24.30
210		3/23	Bank of Charlie Brown Visa Cafe Condor 9 Front Street Sacramento	Lunch Trevor Green Consultant to Assemblywoman Amelia Tiburon \$9.56 Sharon Silva \$12.96	22.52	100%	22.52
Campaign Contributions:							
340		3/6	Sally Grindley for Senate 103 Malton Blvd. Shasta, CA	Campaign Contribution ID #952468	250.00	N/A	250.00
345		3/10	Snappy Buttons 703 Broadway Sacramento, CA Committee to Elect Zelda Corey	Campaign Contribution Non-Monetary ID #958899 Election Buttons	632.00	N/A	632.00
Payments to Lobbyists:							
348		3/1	Dan D. Lyon 3600 Sandpiper Drive Sacramento, CA	Salary Reimbursement of Expenses	5,000.00 800.00	50% 100%	2,500.00 800.00
Payments Received:							
1369		3/5		SR Services, Inc. December Retainer Reimbursement of Expenses	9,000.00 600.00	100% 100%	9,000.00 600.00

9. Prohibitions

DELIVERY OF CAMPAIGN CONTRIBUTIONS

No person may deliver or accept a campaign contribution in the State Capitol, a state office building, or any building for which the State of California pays the majority of the rent. This includes delivery of a copy of a contribution check or a contribution transmittal letter. Contributions sent to the State Capitol or other building by mail, and contributions delivered to a legislator's district office, are not prohibited. (Gov. Code Section 84309.)

CONTRIBUTION LIMITATIONS

At the time of this publication, the Act's contribution limitations are only imposed in a special election or a special run-off election to fill a vacant elective office. Refer to the FPPC's Campaign Information Manuals for specific guidance.

However, many cities and counties have adopted local ordinances that impose contribution limits within their jurisdictions. For information, contact the local agency.

GIFT LIMIT FOR LOBBYISTS AND LOBBYING FIRMS

No lobbyist or lobbying firm may:

- ◆ Make a gift(s) aggregating more than ten dollars (\$10) in a calendar month, act as an agent or intermediary in the making of such a gift, or arrange such a gift to any of the following officials:
 - A state candidate;
 - An elected state officer;
 - A legislative official;
 - An agency official employed by an agency which should be listed on the lobbying registration statement.

A lobbyist or lobbying firm "arranges for the making of a gift" if the lobbyist or lobbying firm, either directly or through an agent, does any of the following:

- Delivers a gift to the recipient;
- Acts as the representative of the donor, if the donor is not present at the occasion of a gift. This does not include accompanying the recipient to an event where the donor will be present;
- Invites or sends an invitation to an intended recipient regarding the occasion of a gift;
- Solicits responses from an intended recipient concerning his or her attendance or non-attendance at the occasion of a gift; or
- Acts as an intermediary in connection with the reimbursement of a recipient's expenses. (Gov. Code Sections 82028 and 86203; FPPC Regulation 18624.)

GENERAL PROHIBITIONS FOR LOBBYISTS AND LOBBYING FIRMS

No lobbyist or lobbying firm may:

- ◆ Do anything for the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, lobbying firm, or a lobbyist employer, including making secured or unsecured loans;
- ◆ Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action;
- ◆ Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat;
- ◆ Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or cause any communication to be sent to any elected state officer, legislative official, agency official, or

state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person;

- ♦ Represent falsely either directly or indirectly that the lobbyist or lobbying firm can control the official action of any elected state officer, legislative official, or agency official; or
- ♦ Accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action. (Gov. Code Section 86205.)

GENERAL PROHIBITIONS FOR OFFICIALS:

Gift Limit. Legislative officials, most state and local officials and employees, and candidates for state and local office may not accept gifts from a single source aggregating more than \$290 (\$300—effective 1/99) in a calendar year. The gift limit is adjusted each odd-numbered year to reflect changes in the Consumer Price Index.

Certain travel payments are not subject to the gift limit. For further information refer to Chapter 5.

Honoraria Ban. Legislative officials, most state and local officials and employees, and candidates for state and local office may not accept honoraria payments.

“Honorarium” means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

However, honorarium does not include earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches. (Gov. Code Sections 89502-89503.)

Disqualification. An official who receives a gift of \$290 (\$300—effective 1/99) or more (e.g., a travel payment that is a gift but is not limited) or income of \$250 or more from a single source may have a conflict of interest under the Act. The official may need to disqualify him or herself from voting or otherwise participating in a governmental decision affecting that source if the payment was received or promised to the official within 12 months preceding the decision. Contact the Commission for advice regarding disqualification.

Post-Governmental Employment Restrictions – Revolving Door Provisions. The Act restricts the lobbying activities of certain state agency officials once the official has left government employment. Many officials are subject to both a one-year and a lifetime lobbying ban.

- ♦ One-year ban: State agency officials are prohibited for 12 months after leaving an agency from receiving compensation to appear before or communicate with the agency to influence certain agency decisions; and
- ♦ Lifetime ban: A state agency official may **never** receive compensation for the purpose of appearing before, or assisting another person in appearing before, a former agency in certain proceedings on which the official worked while employed by the agency.

State agency officials are also prohibited from participating in certain governmental decisions when they are negotiating employment or have an employment arrangement with a prospective employer.

Note: Legislators are not subject to the lifetime ban but are prohibited from lobbying the Legislature for one year. Employees of the Legislature are not subject to either the one-year or lifetime revolving door provisions.

To receive more information on the restrictions and prohibitions imposed by the “revolving door” provisions, contact the Commission.

Questions and Answers

- Q.** May a lobbying firm reimburse or make payments to its lobbyist for the purpose of entertaining officials at the lobbyist's home?
- A.** Yes, as long as the fair market value of the food and beverage provided to each official does not exceed \$10. However, a lobbyist may entertain officials in the lobbyist's home without regard to the \$10 gift limit as long as no one reimburses the lobbyist; the cost for entertaining the officials is not claimed as a tax deduction by the lobbyist; and no portion of the lobbyist's salary is allocated for home entertainment. See Chapter 5.
- Q.** Will a \$300 gift of dinner and entertainment provided to an official by a lobbyist employer violate the \$10 gift limit?
- A.** The \$10 gift limit does not apply to lobbyist employers as long as a lobbyist or lobbying firm is not involved in making or arranging the gift. However, most officials may not receive gifts which exceed \$290 (\$300—effective 1/99) in a calendar year from a single source.
- Q.** What is the maximum amount a lobbyist employer, lobbying coalition, or \$5,000 filer may spend on an official during the calendar year?
- A.** \$290 (\$300—effective 1/99) per official in a calendar year. This amount is adjusted every odd-numbered year.
- Q.** May a lobbyist receive “contingency” payments based on the outcome of legislative or administrative actions?
- A.** No. Lobbyists are prohibited from accepting or agreeing to accept any payment which is in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

Glossary

Activity Expense: An expense which either wholly or partially benefits an elected state official, a legislative official, a state agency official, state candidate, or a member of the immediate family of such an official or candidate. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions. (Gov. Code Section 86111.)

Administrative Action: The proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any rate-making proceeding or any quasi-legislative proceeding. (Gov. Code Section 82002.)

Exception: A proceeding of a state agency is not a quasi-legislative proceeding if it is any of the following:

- ♦ A proceeding to determine the rights or duties of a person under existing laws, regulations, or policies;
- ♦ A proceeding involving the issuance, amendment, or revocation of a permit or license;
- ♦ A proceeding to enforce compliance with existing law or to impose sanctions for violations of existing law;
- ♦ A proceeding at which an action is taken involving the purchase or sale of property, goods, or services by such agency;
- ♦ A proceeding at which action is taken which is ministerial in nature;
- ♦ A proceeding at which an action is taken awarding a grant or contract; or
- ♦ A proceeding involving the issuance of a legal opinion. (2 Cal. Code of Regulations Section 18202.)

Administrative Testimony: Influencing or attempting to influence administrative action by acting as counsel in, appearing as a witness in, or providing written submissions, including answers to inquiries, which become part of the record of any regulatory or administrative agency's public proceeding:

- ♦ Which is conducted as an open public hearing for which public notice is given;
- ♦ Of which a record is created in a manner which makes possible the creation of a transcript; and
- ♦ With respect to which full public access is provided to such record or transcript and to all written material which is submitted to become part of the record.

OR

Participating in any regulatory proceedings of the California Public Utilities Commission regarding an application, complaint, investigation, rule-making, alternative dispute resolution procedures in lieu of proceedings as may be sponsored or endorsed by the PUC, or other formal proceedings before the PUC. (2 Cal. Code of Regulations Section 18239.)

Agency Official: Any member, officer, employee, or consultant of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer, lobbying coalition, or \$5,000 filer has attempted or is attempting to influence. (Does not include persons who work in a purely clerical, secretarial, or ministerial position.) (Gov. Code Sections 82004 and 86111.)

Agent: A person authorized by another to act for him or her.

Compensation: Any economic consideration, other than reimbursement for reasonable travel expenses (e.g., expenses for transportation plus a reasonable sum for food and lodging.) (2 Cal. Code of Regulations Section 18239.)

Contribution: (a) “Contribution” means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.

(b) (1) A payment made at the behest of a committee as defined in subdivision (a) of Section 82013 is a contribution to the committee unless full and adequate consideration is received from the committee for making the payment.

(2) A payment made at the behest of a candidate is a contribution to the candidate unless the criteria in either subparagraph (A) or (B) are satisfied:

(A) Full and adequate consideration is received from the candidate.

(B) It is clear from the surrounding circumstances that the payment was made for purposes unrelated to his or her candidacy for elective office. The following types of payments are presumed to be for purposes unrelated to a candidate’s candidacy for elective office:

(i) A payment made principally for personal purposes, in which case it may be considered a gift under the provisions of Section 82028. Payments that are otherwise subject to the limits of Section 86203 are presumed to be principally for personal purposes.

(ii) A payment made by a state, local, or federal governmental agency or by a nonprofit organization that is exempt from taxation under Section 501(c) (3) of the Internal Revenue Code.

(iii) A payment not covered by clause (i), made principally for legislative, governmental, or charitable purposes, in which case it is neither a gift nor a contribution. However, payments of this type that are made at the behest of a candidate who is an elected officer shall be reported within 30 days following the date on which the payment or payments equal or exceed five thousand dollars

(\$5,000) in the aggregate from the same source in the same calendar year in which they are made. The report shall be filed by the elected officer with the elected officer’s agency and shall be a public record subject to inspection and copying pursuant to the provisions of subdivision (a) of Section 81008. The report shall contain the following information: name of payor, address of payor, amount of the payment, date or dates the payment or payments were made, the name and address of the payee, a brief description of the goods or services provided or purchased, if any, and a description of the specific purpose or event for which the payment or payments were made. Once the five thousand dollars (\$5,000) aggregate threshold from a single source has been reached for a calendar year, all payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later. Within 30 days after receipt of the report, state agencies shall forward a copy of these reports to the Fair Political Practices Commission, and local agencies shall forward a copy of these reports to the officer with whom elected officers of that agency file their campaign statements.

(C) For purposes of subparagraph (B), a payment is made for purposes related to a candidate’s candidacy for elective office if all or a portion of the payment is used for election-related activities. For purposes of this subparagraph, “election-related activities” shall include, but are not limited to, the following:

(i) Communications that contain express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

(ii) Communications that contain reference to the candidate’s candidacy for elective office, the candidate’s election campaign, or the candidate’s or his or her opponent’s qualifications for elective office.

(iii) Solicitation of contributions to the candidate or to third persons for use in support of the candidate or in opposition to his or her opponent.

(iv) Arranging, coordinating, developing, writing, distributing, preparing, or planning of any communication or activity described in clauses (i), (ii), or (iii), above.

(v) Recruiting or coordinating campaign activities of campaign volunteers on behalf of the candidate.

(vi) Preparing campaign budgets.

(vii) Preparing campaign finance disclosure statements.

(viii) Communications directed to voters or potential voters as part of activities encouraging or assisting persons to vote if the communication contains express advocacy of the nomination or election of the candidate or the defeat of his or her opponent.

(D) A contribution made at the behest of a candidate for a different candidate or to a committee not controlled by the behesting candidate is not a contribution to the behesting candidate.

(c) The term “contribution” includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the candidate’s own money or property used on behalf of his or her candidacy other than personal funds of the candidate used to pay either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code; the granting of discounts or rebates not extended to the public generally or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; the payment of compensation by an person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate or committee without payment of full and adequate consideration.

(d) The term “contribution” further includes any transfer of anything of value received by a committee from another committee, unless full and adequate consideration is received.

(e) The term “contribution” does not include amounts received pursuant to an enforceable promise to the extent those amounts have been previously reported as a contribution. However, the fact that those amounts have been received shall be indicated in the appropriate campaign statement.

(f) The term “contribution” does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant’s home or office if the costs for the meeting or fundraising event are five hundred dollars (\$500) or less.

(g) Notwithstanding the foregoing definition of “contribution,” the term does not include volunteer personal services or payments made by an individual for his or her own travel expenses if the payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her. (Gov. Code Section 82015.)

Direct Communication: Appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any qualifying official, either personally or through an agent who acts under one’s direct supervision, control, or direction for the purpose of influencing legislative or administrative action. However, direct communication does not include any request for or provision of purely technical data or analyses to an administrative agency by a person who does not otherwise engage in direct communication for the purpose of influencing legislative or administrative action. (2 Cal. Code of Regulations Section 18239.)

Elected State Officer: Any person who holds the office of Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Member of the Legislature, Member of the State Board of Equalization, or any person who has been elected to such an office but has not yet taken office. A person who is appointed to fill a vacant elective state office

is an elected state officer. (Gov. Code Sections 82020 and 82024.)

Filer: A person who is required to file a report under the Political Reform Act. (Gov. Code Section 82026.)

Gift: Except as provided below, a gift is any payment that confers a personal benefit to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

See Regulation 18942, Appendix B, for exceptions.

Immediate Family: The spouse or dependent child of an official. (Gov. Code Section 82029.)

Influencing Legislative or Administrative Action: Communicating directly with any elective state official, legislative official, or state agency official or taking any other action for the principal purpose of promoting, supporting, influencing, modifying, opposing, delaying, or advancing any legislative or any administrative action.

Influencing legislative or administrative action, or “lobbying activity,” is broadly defined to include such activities as following bills and regulations which one is attempting to influence, preparing testimony, attending hearings and floor debates, arranging for witnesses, waiting to meet with officials or staff, communicating with employers, and administering a lobbyist’s office - all for the purpose of promoting, supporting, modifying, opposing, delaying, or advancing legislative or administrative action. (Gov. Code Section 82032, 2 Cal. Code of Regulations Section 18239.)

Legislative Action: The drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, or other matter by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his or her official capacity. Legislative action also means the action of the Governor in approving or vetoing any bill. (Gov. Code Section 82037.)

Legislative Official: Any employee or consultant of the Legislature whose duties are not solely secretarial, clerical, or manual. (Gov. Code Section 82038.)

Lobbying Coalition: A group of 10 or more persons formed primarily to influence legislative or administrative action, whose members make payments to the coalition for the purpose of sharing the expenses of employing a lobbyist or contracting for the services of a lobbying firm. (2 Cal. Code of Regulations Section 18616.4.)

Lobbying Firm: Any business entity, including an individual contract lobbyist, which meets either of the following criteria:

(1) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer, or employee of the business entity is a lobbyist.

(2) The business entity receives or becomes entitled to receive \$5,000 in compensation in any calendar quarter other than reimbursement for reasonable travel expenses, to communicate directly with any elective state official, agency official, or legislative official, for the purpose of influencing legislative or administrative action on behalf of any other person. (Gov. Code Section 82038.5, 2 Cal. Code of Regulations Section 18238.5.)

Lobbyist: A lobbyist is an individual who:

(1) Receives or becomes entitled to receive \$2,000 or more in compensation in any calendar month for engaging in direct communication, other than administrative testimony, with one or more qualifying officials for the purpose of influencing legislative or administrative action on behalf of any person other than his/her employer; or

(2) Spends one-third or more of the time, in any calendar month, for which he or she receives compensation only from his or her employer for engaging in direct communication, other than administrative testimony, with one or more qualifying officials for the purpose of influencing legislative or administrative action.

A person who attempts to influence on a voluntary basis without any compensation or who only engages in administrative testimony, is not a lobbyist. (Gov. Code Section 82039, 2 Cal. Code of Regulations Section 18239.)

Lobbyist Employer: Any person, other than a lobbying firm, who either:

(1) Employs one or more lobbyists for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action; or

(2) Contracts for the services of a lobbying firm for economic consideration, other than reimbursement for reasonable travel expenses, for the purpose of influencing legislative or administrative action. (Gov. Code Section 82039.5, 2 Cal. Code of Regulations Section 18239.5.)

Payments to Influence Legislative or Administrative Action: A payment to influence legislative or administrative action is a payment:

- ♦ Made directly or indirectly to a lobbyist whether for salary, fee, compensation for expenses, or any other purpose, by a person employing or contracting for the services of the lobbyist separately or jointly with other persons;

- ♦ Made in support or assistance of a lobbyist or his or her activities, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist;
- ♦ Which directly or indirectly benefits any elective state official, legislative official, agency official, or a member of the immediate family of any such official;
- ♦ For compensation or reimbursement for the services, time, or expenses of an employee, for or in connection with, direct communication with any elective state official, legislative official, or agency official;
- ♦ For or in connection with soliciting or urging other persons to enter into direct communication with any elective state official, legislative official, or agency official. (Gov. Code Section 82045.)

Person: An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert. (Gov. Code Section 82047.)

Qualifying Official: Any elected state officer, any legislative official, or any appointed, elected or statutory member or director of any state agency. "Qualifying official" also means any staff member of any state agency who makes direct recommendations to any appointed, elected, or statutory member or director of any state agency, or who has decision-making authority concerning such recommendations. (2 Cal. Code of Regulations Section 18239.)

Reasonable Travel Expense: Transportation expenses plus a reasonable sum for food and lodging. Payments received for reasonable travel expenses are not counted for purposes of qualifying as a lobbyist or lobbying firm. (2 Cal. Code of Regulations Section 18239.)

Reportable Person: An elected state officer, a legislative official, a state candidate, an official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer, lobbying coalition, or \$5,000 filer has attempted or is attempting to influence, or a member of the immediate family of such an official or candidate.

“Reportable person” also includes legislative or agency officials who are civil service employees and who are on a leave of absence. Legislative or agency officials who are in “exempt” positions (i.e., are not civil service employees) remain reportable persons during a leave of absence only if there is an understanding or agreement that the official will return to his or her position within six months.

State Agency: Every state office, department, division, bureau, board, and commission, and the Legislature. (Gov. Code Section 82049, 2 Cal. Code of Regulations Section 18249.)

\$5,000 Filer: Any person who does not employ a lobbyist or contract with a lobbying firm, but who directly or indirectly makes payments of \$5,000 or more in any calendar quarter to influence legislative or administrative action. (Gov. Code Section 86115.)

Appendix A: Regulations

The regulations contained in this Appendix are frequently cited in the context of lobbying disclosure. They are provided for convenience only and were accurate at the date of publication of this manual. Changes to these regulations may have occurred since then. The regulations are in California Code of Regulations, Title 2, Division 6. Copies of the regulations may be obtained from the Commission.

18614. Payments for Lobbying Services.

(a) The following payments from a client to a lobbying firm shall be considered payments for lobbying services:

(1) Payments for services related to a matter on which the client expressly or implicitly authorizes the lobbying firm to communicate directly with an elected state official, legislative official or agency official for the purpose of influencing legislative or administrative action.

(2) Payments for legislative-related services only if, within one year after the services are provided, the client, either directly or through an affiliated entity, expressly or implicitly authorizes the lobbying firm to communicate directly with an elected state official, legislative official or agency official for the purpose of influencing legislative or administrative action on the same or substantially the same matter.

(3) Payments for research or preparation of a proposed initiative measure only if, within one year after the initiative-related services are provided, the client, either directly or through an affiliated entity, expressly or implicitly authorizes the lobbying firm to communicate directly with an elected state official, legislative official or agency official for the purpose of influencing legislative or administrative action on the same or substantially the same matter. However, such payments need not be reported if they are

required to be disclosed, and are in fact disclosed pursuant to Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code.

(b) The following payments from a client to a lobbying firm shall not be considered payments for lobbying services:

(1) Payments for litigation.

(2) Payment for legislative-related or initiative-related services performed by a lobbying firm for a client which are not reportable pursuant to subsections (a)(2) or (a)(3). However, payments for legislative-related services shall be reported by the client as “other payments to influence legislative or administrative action” pursuant to Government Code Section 86116(i) if either of the following applies:

(A) At the time the payment is made, the client is required to be registered on the lobbying firm’s registration statement.

(B) Within one year after the services are provided, the client, either directly or through an affiliated entity, expressly or implicitly authorizes another lobbying firm or a lobbyist employed by the client to communicate directly with an elected state official, legislative official or agency official for the purpose of influencing legislative or administrative action on the same or substantially the same matter.

(c) The following definitions apply to this section:

(1) “Legislative-related services” includes researching, monitoring, analyzing or drafting statutes, regulations or pending or proposed legislative or administrative action, providing advice or recommending strategy concerning pending or proposed legislative or administrative

action, and similar services in the absence of express or implied authorization to engage in direct communication.

(2) “Direct communication” means appearing as a witness before, talking to (either by telephone or in person), corresponding with, or answering questions or inquiries from, any elected state official, legislative official or agency official, either personally or through an agent who acts under one’s direct supervision, control or direction.

(3) “Affiliated entity” includes, but is not limited to, an organization which has a parent or subsidiary relationship to the client, an organization that is primarily funded or managed by the client or the parent entity of the client, or an organization of which the client is a member.

(d) When a payment for initiative-related or legislative-related services made to a lobbying firm in a previous reporting period must be reported retroactively pursuant to this section, the payment shall be reported on the report for the then current calendar quarter and the lobbying firm and lobbyist employer shall indicate the calendar quarter in which the payment was made or received. If the payment was previously reported in the current calendar year as “other payments to influence legislative or administrative action,” the lobbyist employer shall indicate on the report for the then current calendar quarter that the amount has been deducted from “other payments to influence legislative or administrative action” and instead reported as a payment to a lobbying firm. For purposes of subsections (a)(2) and (a)(3), the lobbying firm and lobbyist employer shall indicate, in addition to the information required by 2 Cal. Code Regs. Sections 18613(a) and 18616(b), that the payment was for initiative-related or legislative-related services and the date upon which the person making the payment or the affiliated entity authorized the lobbying firm to engage in direct communication.

(e) This section shall not be construed to require any entity to report payments it receives for services prior to the calendar quarter in which the entity qualifies as a lobbying firm.

18630. Home Hospitality

(a) The cost of providing hospitality involving food, beverage, or occasional lodging at the home of a lobbyist is a gift within the meaning of Section 86203 and is reportable under the provisions of Section 86113 only if:

(1) Any part of the cost of such hospitality is paid for by the lobbyist's employer or lobbying firm directly; or

(2) The lobbyist is reimbursed by his or her lobbyist employer or lobbying firm for any part of the cost of such hospitality; or

(3) The lobbyist deducts any part of the cost of such hospitality as a business expense on any tax return, either State or Federal; or

(4) There is an understanding between the lobbyist and his or her lobbyist employer or lobbying firm that the amount of compensation received by the lobbyist includes a portion to be utilized by the lobbyist to provide gifts of hospitality in the lobbyist’s home.

(b) In determining the applicability of subsections (a)(1) through (a)(4) above, the cost of providing hospitality does not include any part of the value or rental of the home of the lobbyist, nor does it include any depreciation on the premises where the hospitality is extended.

18941. Receipt, Promise and Acceptance of Gifts.

(a) Receipt or Acceptance of a Gift. Except as otherwise provided in this section or in California Code of Regulations, Title 2, Section 18943, a gift is “received” or “accepted” when the recipient knows that he or she has either actual possession of the gift or takes any action exercising direction or control over the gift.

(1) In the case of a rebate or discount which, based on Government Code Section 82028, would otherwise be a gift, the gift is “received” or “accepted” when the recipient knows that the rebate or discount is not made in the regular course of business to members of the public without regard to official status.

(2) Except for passes or tickets as set forth in California Code of Regulations, Title 2, Section 18946.1(a), discarding a gift does not negate receipt or acceptance of a gift.

(3) Turning a gift over to another person does not negate receipt or acceptance of a gift.

(b) Disqualification: Promise of a Gift. For the purposes of Government Code Sections 87100 and 87103, a gift is “promised” on the date an offer to give the gift is made if the recipient knows that a gift has been offered and ultimately obtains actual possession of the gift or takes any action exercising direction or control over the gift.

18942. Exceptions to Gift and Exceptions to Gift Limits.

(a) None of the following is a gift and none is subject to any limitation on gifts:

(1) Informational material as defined by California Code of Regulations, Title 2, Section 18942.1.

(2) Except for passes and tickets as provided in California Code of Regulations, Title 2, Section 18946.1, a gift that is not used and that, within 30 days after receipt, is returned or donated pursuant to California Code of Regulations, Title 2, Section 18943, or for which reimbursement is paid pursuant to said Section 18943.

(3) A gift from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the

spouse of any such person, unless the donor is acting as an agent or intermediary for any person not identified in this subdivision (a)(3).

(4) A campaign contribution required to be reported under the Government Code, Title 9, Chapter 4 (commencing with Section 84100).

(5) Any devise or inheritance.

(6) A personalized plaque or trophy with an individual value of less than two hundred fifty dollars (\$250).

(7) Hospitality (including food, beverages, or occasional lodging) provided by an individual in his or her home when the individual or a member of the individual's family is present, to an official. (Note: See California Code of Regulations, Title 2, Section 18630 for the rule concerning “home hospitality” provided by a lobbyist.)

(8) Presents exchanged between an official who is required to file a statement of economic interests and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions provided that the presents exchanged are not substantially disproportionate in value.

(9) Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer and available to all employees in the same job classification or position. This shall not include donations of cash.

(10) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if such payments are available to members of the public without regard to official status.

(11) Free admission, and refreshments and similar non-cash nominal benefits provided to a filer during the entire event at which the filer gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity. These items are not payments and need not be reported by any filer.

(12) The transportation, lodging, and subsistence specified by California Code of Regulations, Title 2, Section 18950.4.

(b) The following items, if they are otherwise gifts, are exempt from the limitations on gifts described in Government Code Section 89503:

(1) Payments for transportation, lodging, and subsistence that are exempt from limits on gifts by California Code of Regulations, Title 2, Sections 18950, et seq.

(2) Wedding gifts.

18943. Return, Donation, or Reimbursement of a Gift.

(a) General Rule for Return, Donation, or Reimbursement of a Gift. A gift is neither accepted nor received if it is returned, donated, or reimbursed in any manner set forth below:

(1) The gift is returned to the donor, or to the donor's agent or intermediary, unused, within 30 days of receipt or acceptance. In such event, neither the recipient nor the donor shall be required to disclose the receipt or making of a gift or activity expense; or

(2) The gift is donated, unused, to a charitable organization within 30 days of receipt or acceptance, without being claimed as a charitable contribution for tax purposes. In such event, neither the recipient nor the donor shall be required to disclose the receipt or making of a gift or activity expense; or

(3) The gift is donated, unused, to a state, local, or federal government agency, within 30 days of receipt or acceptance, without being claimed as a deduction for tax purposes. In such event, neither the recipient nor the donor shall be required to disclose the receipt or making of a gift or activity expense; or

(4) The recipient, within 30 days of receipt or acceptance, reimburses the donor, or the donor's agent or intermediary, for all or a portion of the gift. In such event, the value of the gift is reduced by the amount of the reimbursement, and the amount of any gift or activity expense which must be disclosed is reduced by the amount of the reimbursement.

(b) Relief from Disqualification by Return, Donation, or Reimbursement. In order to relieve the recipient of an otherwise disqualifying financial interest based upon the receipt or acceptance of a gift valued at \$290 (\$300—effective 1/99) or more pursuant to Government Code Section 87100, the return, donation, or reimbursement of the gift pursuant to subdivision (a) above:

(1) Must occur within 30 days of receipt or acceptance and prior to the date the recipient makes, participates in making, or uses his or her official position to influence the government decision in question; or,

(2) If the return, donation, or reimbursement has not been made prior to the decision, the recipient must publicly disclose the receipt or acceptance of the gift on the public record, disclose its value, and declare that the return, donation, or reimbursement will occur within two working days following the decision. The subsequent return, donation, or reimbursement must be made within two working days, and within 30 days from receipt or acceptance, and must be documented in the public record.

18944. Valuation of Gifts to An Official and His or Her Family.

(a) Gifts given directly to members of an official's immediate family are not gifts to the

official unless used or disposed of by the official or given by the recipient member of the official's immediate family to the official for disposition or use at the official's discretion.

(b) Gifts delivered by mail or other written communication are given directly to members of the official's immediate family if the family members' names or familial designations (such as "spouse") appear in the address on the envelope or in the communication tendering or offering the gift, and the gift is intended for their use or enjoyment.

(c) A gift given to the official, but designated for the official and spouse or family, is a gift to the official if the official exercises discretion and control over who will actually use the gift.

(d) If the official enjoys direct benefit from a single gift, as well as members of the official's family, the full value of the gift is attributable to the official.

18944.2. Gifts to an Agency.

(a) A payment, which is a gift as defined in Government Code Section 82028, shall be deemed a gift to a public agency, and not a gift to a public official, if all of the following requirements are met:

(1) The agency receives and controls the payment.

(2) The payment is used for official agency business.

(3) The agency, in its sole discretion, determines the specific official or officials who shall use the payment. However, the donor may identify a specific purpose for the agency's use of the payment, so long as the donor does not designate the specific official or officials who may use the payment.

(4) The agency memorializes the payment in a written public record which embodies the

requirements of subdivisions (a)(1) to (a)(3) of this regulation set forth above and which:

(A) Identifies the donor and the official, officials, or class of officials receiving or using the payment;

(B) Describes the official agency use and the nature and amount of the payment; and

(C) Is filed with the agency official who maintains the records of the agency's statements of economic interests where the agency has a specific office for the maintenance of such statements, or where no specific office exists for the maintenance of such statements, at a designated office of the agency, and the filing is done within 30 days of the receipt of the payment by the agency.

(b) Notwithstanding subdivision (a)(3) and (a)(4) of this regulation, a donation to a California public college or university for a specific research project which is received consistent with the requirements of California Code of Regulations, Title 2, Section 18705(b) and for meals received in the course of an official fundraising activity, which qualify under federal and state law for a deduction as a charitable contribution for educational purposes, will be deemed a gift to the college or university.

18945. Source of Gifts

(a) General Rule. A person is the source of a gift if the person makes a gift to an official and is not acting as an intermediary.

(1) If a person makes a payment to a third party and in fact directs and controls the use of the payment to make a gift to one or more clearly identified officials, the person is the source of the gift to the official or officials.

(2) Dues. If a person pays dues or makes similar payments for membership in a bona fide association, including any federation, confederation, or trade, labor or membership organization, some portion of which dues or

similar payments are used to make gifts to officials, that person is not the source of the gifts to those officials. However, the person is the source of the gift if the sole or primary purpose of the dues or similar payments is to make gifts to officials.

(b) **Presumption of Source by Officials.** An official may presume that the person delivering the gift or, if the gift is offered but has not been delivered, the person offering the gift to him or her is the source of the gift unless either of the following are met:

(1) The person delivering or offering the gift discloses to the official the actual source of the gift; or

(2) It is clear from the surrounding circumstances at the time the gift is delivered or offered that the person delivering or offering the gift is not the actual source of the gift.

18946. Reporting and Valuation of Gifts

(a) **Scope of Section.** Except as specified in California Code of Regulations, Title 2, Sections 18946.1 through 18946.5, inclusive, gifts shall be valued at fair market value as of the date of receipt or promise. Sections 18946.1 through Section 18946.5 provide for the valuation of specific types of gifts in the following situations:

- ♦ Passes and Season Tickets -- Regulation 18946.1
- ♦ Testimonial Dinners and Events -- Regulation 18946.2
- ♦ Wedding Gifts -- Regulation 18946.3
- ♦ Tickets to Nonprofit and Political Fundraisers -- Regulation 18946.4
- ♦ Prizes and Awards From Bona Fide Competitions -- Section 18946.5

(b) **General Rule for Valuation of Unique Gifts.** Whenever the fair market value cannot readily be ascertained because the gift is unique or unusual, the value shall be the cost to the

donor, if known or ascertainable. If the cost to the donor is unknown and unascertainable, the recipient shall make a reasonable approximation. In making such an approximation, the recipient shall take into account the price of similar items. If similar items are not available as a guide, a good faith estimate shall be utilized.

(c) Except as specified in California Code of Regulations, Title 2, Sections 18943, 18944, and 18946.1, a gift must be valued, for purposes of disclosure and disqualification, even if unused, discarded or given to another person.

18950.1. Gifts of Travel: Exceptions

The following provisions shall apply to payments made for travel pursuant to Government Code Sections 89501 through 89506:

(a) **Travel In Connection With Speeches, Panels, and Seminars.**

(1) Only a reportable payment is subject to the limitations on gifts specified in Government Code Section 89503. See California Code of Regulations, Title 2, Section 18950.3, to determine whether a payment in connection with a speech, panel, or seminar is reportable.

(2) A payment made for travel, including actual transportation and related lodging and subsistence, is not subject to the prohibitions or limitations on honoraria and gifts specified in Government Code Sections 89501, 89502, or 89503 if:

(A) The travel is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy, and

(B) The travel, including actual transportation and related lodging and subsistence, is in connection with a speech given by the official or candidate; the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech; and the travel is within the United States.

Except as otherwise provided by California Code of Regulations, Title 2, Section 18950.3, any payment made for travel specified in this subdivision (a)(2), shall be reported in accordance with Government Code Section 87207(c).

(b) Travel Provided By Governmental Entity or Charity. A payment made for travel, including actual transportation and related lodging and subsistence, is not subject to the prohibitions or limitations on honoraria and gifts specified in Government Code Sections 89501, 89502, or 89503, if:

(1) The travel is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy; and

(2) The payment is provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, defined in Section 203 of the Revenue and Taxation Code, or by a nonprofit charitable or religious organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person that is domiciled outside the United States and that substantially satisfies the requirements for tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

Except as provided by California Code of Regulations, Title 2, Section 18950.3, any payment made for transportation, lodging, and subsistence, specified by subdivision (b), shall be reported in accordance with Government Code Section 87207(c).

(c) Travel Paid From Campaign Funds. A payment made for transportation and necessary lodging and subsistence, which payment is made from campaign funds as permitted by Government Code Section 89513, or which is a contribution, is not an honorarium or a gift.

(d) Travel Provided By Official's Agency. A payment made for transportation and necessary lodging and subsistence, which payment is made by the agency of an official, is not an honorarium or a gift.

(e) Travel In Connection With Bona Fide Business. A payment made for transportation, lodging, and subsistence, which payment is reasonably necessary in connection with a bona fide business, trade, or profession, and which satisfies the criteria for federal income tax deductions for business expenses specified in Sections 162 and 274 of the Internal Revenue Code, is not an honorarium or gift unless the sole or predominant activity of the business, trade or profession is making speeches.

18950.3. Travel in Connection With Speeches, Panels, and Seminars: Exception for All Filers

Free admission, and refreshments and similar non-cash nominal benefits provided to a filer during the entire event at which the filer gives a speech, participates in a panel or seminar, or provides a similar service, and actual intrastate transportation and any necessary lodging and subsistence provided directly in connection with the speech, panel, seminar, or service, including but not limited to meals and beverages on the day of the activity, are not payments and need not be reported by any filer.

18950.4. Payments for Travel in Connection with Campaign Activities

(a) Except as provided in Section 18727.5, a payment made to an elected officer or candidate for his or her transportation, lodging, or subsistence is a gift unless the transportation, lodging, or subsistence provided to the elected officer or candidate is in "direct connection" with campaign activities, including attendance at political fundraisers.

(1) Any payment made to an elected officer or candidate for his or her transportation, lodging, or subsistence, during the six month period prior to an election in which the elected

officer or candidate is to be voted upon shall be considered “in direct” connection with campaign activities if the payment is for necessary transportation, lodging, or subsistence, used specifically for the purpose of the elected officer’s or candidate’s:

(A) Participation in candidate forums, debates or similar voter gatherings at which he or she makes a speech; or

(B) Attendance at meetings with campaign staff or political consultants to develop or implement campaign strategy.

(2) A payment made to an elected officer or candidate for necessary transportation to, or lodging and subsistence at, an event described in subdivision (a)(1)(A) or subdivision (a)(1)(B), but not made within the six month period prior to the election in which the elected officer or candidate is being voted upon, shall be considered a gift unless it is clear from the surrounding circumstances that the payment is made directly in connection with campaign activities.

(b) When a payment is made to an elected officer or candidate for his or her necessary lodging and subsistence or transportation in direct connection with attendance at a political fundraiser or an event listed in subdivision (a)(1)(A) or subdivision (a)(1)(B), which fundraiser event is conducted to benefit another elected officer or candidate, or to benefit a committee as defined in Government Code Section 82013(a), the payment is a contribution to the officer, candidate, or committee benefiting from the fundraiser.

Appendix B: Listing of Lobbying Forms

Following is a list of lobbying disclosure forms:

601

**LOBBYING FIRM REGISTRATION
STATEMENT**

The registration statement is used by business entities (including individual contract lobbyists) which engage in lobbying activity on behalf of any other person.

602

**LOBBYING FIRM ACTIVITY
AUTHORIZATION**

The authorization statement is used by persons who employ or contract with a lobbying firm.

603

**LOBBYIST EMPLOYER OR
LOBBYING COALITION
REGISTRATION STATEMENT**

The registration statement is used by persons who employ one or more in-house lobbyist.

604

**LOBBYIST CERTIFICATION
STATEMENT**

The certification statement is used by individuals who qualify as a lobbyist, including an individual contract lobbyist.

605

**AMENDMENT TO REGISTRATION
LOBBYING FIRM, LOBBYIST
EMPLOYER, AND LOBBYING
COALITION**

Used to amend registration forms filed by lobbying firms (Form 601), lobbyist employers/lobbying coalitions (Forms 602 and 603), and a lobbyist's certification (Form 604).

606

NOTICE OF TERMINATION

Used by lobbyists, lobbying firms, lobbyist employers, and lobbying coalitions which during a legislative session cease ALL lobbying activity.

607

NOTICE OF WITHDRAWAL

Used by lobbyists and lobbying firms which have never qualified as a lobbyist or a lobbying firm.

615

LOBBYIST REPORT

Used by lobbyists (including contract lobbyists) to disclose payments made in connection with influencing legislative or administrative action.

625

REPORT OF LOBBYING FIRM

Used by a lobbying firm (including contract lobbyists) to disclose payments received and payments made in connection with influencing legislative or administrative action.

630

**ATTACHMENT FORM 630
PAYMENTS MADE TO
LOBBYING COALITIONS**

Used by lobbying firms and lobbyist employers to disclose payments to a lobbying coalition.

635

**REPORT OF LOBBYIST
EMPLOYER AND REPORT OF
LOBBYING COALITION**

Used by lobbyist employers or lobbying coalitions to disclose payments made in connection with influencing legislative or administrative action.

635-C

**ATTACHMENT FORM 635-C
PAYMENTS RECEIVED BY
LOBBYING COALITION**

Used by lobbying coalitions to disclose payments received from members of the coalition.

640

**ATTACHMENT FORM 640
GOVERNMENTAL AGENCIES
REPORTING OF "OTHER
PAYMENTS TO INFLUENCE
LEGISLATIVE OR
ADMINISTRATIVE ACTION"**

Used by state and local government agencies which qualify as lobbyist employers/lobbying coalitions or \$5,000 filers to disclose certain payments of \$250 or more under "Other Payments to Influence Legislative or Administrative Action."

645

**REPORT OF PERSON SPENDING
\$5,000 OR MORE TO INFLUENCE
LEGISLATIVE OR
ADMINISTRATIVE ACTION**

Used by persons who do not employ a lobbyist or contract with a lobbying firm but who make payments to influence legislative or administrative action (including payments to a lobbying coalition) totaling \$5,000 or more in a calendar quarter.

690

**AMENDMENT TO LOBBYING
DISCLOSURE REPORT**

Used to amend a lobbying disclosure report (e.g., Form 615, Form 625, Form 635, and Form 645.)

Appendix C:

Information Collection and Access

The Information Practices Act of 1977 requires the following information to be provided when collecting information from individuals.

Agency Name

Secretary of State

Title of official responsible for information maintenance

Manager, Political Reform Division

Address

1500 11th Street, Room 495,
Sacramento, CA 95814

Telephone number

(916) 653-6224

Authority which authorizes the maintenance of the information

Government Code Section 81002, 81004, 81004.5, 81007, 81008, 81009, 81010, 82026, 82027, 83112, 83113, 86100-86103, 81607-86110, 90001, 9100-91001.5, 91004, 91013; 2 California Code of Regulations Section 18600-18630.

All items of information on forms filed pursuant to the Political Reform Act are mandatory.

The consequences, if any, of not providing all or any part of the requested information

Remedies for a violation of the Political Reform Act's reporting requirements include:

- 1) an administrative enforcement proceeding before the Fair Political Practices Commission (Gov. Code Section 83116);
- 2) a criminal misdemeanor proceeding (Gov. Code Section 91000);

3) a civil action, including an action for injunctive relief (Gov. Code Sections 90113, 91004, 91005); and

4) monetary penalties for late filing (Gov. Code Section 91013.)

The principal purpose(s) for which the information is to be used:

The information is to be used to reveal to public scrutiny the money received and spent by lobbyists, lobbyist employers, lobbying coalitions, lobbying firms, and others for the purpose of influencing legislative and administrative action.

Each individual has the right to review files maintained on them by the agency, unless exempted by law.

All forms filed with the Secretary of State are subject to audit by the Franchise Tax Board and the Fair Political Practices Commission for auditing purposes. (Gov. Code Section 90000, 90006.) In addition, agencies and enforcement authorities pursuant to the Political Reform Act may obtain copies of forms filed with the Secretary of State for enforcement purposes. The Fair Political Practices Commission, the Attorney General, district attorneys, and elected city attorneys of chartered cities have enforcement authority. (Gov. Code Sections 83115, 91001, 91001.5, 91003.)

All reports and statements filed pursuant to the Political Reform Act are public records open for public inspection and reproduction (Gov. Code Section 81008.)